University of London

BILLS,

PUBLIC:

SIX VOLUMES.

—*(4.)*—

MARRIAGES (ODESSA)

TO

PIER AND HARBOUR ORDERS CONFIRMATION (No. 3).

Session
5 February —— 21 *August* 1867.

VOL. IV.

1867.

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BILLS:

1867.

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A

B I L L

FOR

Removing Doubts as to the Validity of certain Marriages between British Subjects at Odessa.

WHEREAS by an Act of the Session of the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, and intituled "An Act for facilitating the Marriage of British Subjects resident in Foreign "Countries," Provision is made for solemnizing in Foreign Countries, or Places where there may be a British Consul duly authorized in that Behalf, Marriages between Persons both or one of whom are or is British Subjects or a British Subject: Preamble. 12 & 13 Vict. c. 68.

And whereas certain Marriages have been solemnized at Odessa in the Empire of Russia by or in the Presence of Eustace C. Grenville Murray, Esquire, Consul General, between Persons being both or one of them Subjects or a Subject of this Realm:

And whereas Doubts are entertained as to the Validity of certain of the said Marriages by reason of a Noncompliance by the Parties thereto with the Provisions of the said Act as to Residence:

And whereas such Noncompliance has arisen by reason of the Inadvertence of the Consul to the Provisions of the said Act, and not in consequence of any wilful Neglect or Default on the Part of the Parties to the said Marriages:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Legalization of certain Marriages at Odessa.

1. All Marriages solemnized at Odessa previously to the passing of this Act by or in the Presence of the said Eustace C. Grenville Murray, (both or one of the Parties to such Marriages being Subjects or a Subject of this Realm,) shall, notwithstanding any Noncompliance with the Provisions of the said Act of the Session of the Twelfth and Thirteenth Years of Her present Majesty, Chapter Sixty-eight, be held to be as valid as if all the Provisions of the said Act had been duly complied with.

Evidence of Solemnization of Marriage.

2. Where in the Copy of the Entry of any Marriage certified as required by the said Act such Marriage purports to have been solemnized by or in the Presence of the said Eustace C. Grenville Murray, the Production of such Copy, or of any certified Copy thereof, shall be Evidence of such Marriage having been solemnized by or in the Presence of the said Eustace C. Grenville Murray.

Short Title of Act.

3. This Act may be cited for all Purposes as "The Odessa Marriage Act, 1867."

Marriages (Odessa).

A

BILL

For removing Doubts as to the Validity of certain Marriages between British Subjects at Odessa.

(*Prepared and brought in by*
Mr. Secretary Walpole and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
20 *February* 1867.

[Bill 40.]

Under 1 *oz.*

Master and Servant Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

Preliminary.

1. Short Title of Act.
2. Definition of Terms.

PART I.

BEFORE WHOM COMPLAINTS BETWEEN EMPLOYER AND EMPLOYED SHALL BE HEARD AND DETERMINED.

3. Complaints may be heard—
   - In England, Wales, and Ireland before Two Justices or Stipendiary Magistrate.
   - In Scotland before Two Justices or the Sheriff or his Substitute.

PART II.

THE MODE OF PROCEDURE BETWEEN EMPLOYER AND EMPLOYED FOR BREACH OR NONPERFORMANCE OF THE CONTRACT OF SERVICE, AND FOR RECOVERY OF THE AMOUNT OF COMPENSATION OR DAMAGES OCCASIONED THEREBY.

4. Complaint to be made for Breach of Contract of Service before One or more Justices or Stipendiary Magistrate in England, Wales, and Ireland, and before One or more Justices or Sheriff or his Substitute in Scotland. And upon Complaint made, Summons or Citation to issue. Time for Appearance to and Service of Summons or Citation.
5. On Neglect or Refusal to obey Summons or Citation, Warrant to issue for Apprehension of Parties.

Clause.

6. Compensation may be awarded under Order of Justices, &c. for Damages sustained by Breach or Nonperformance of Contract of Service.

7. In case of Disobedience of Order, a Warrant of Distraint may be levied on the Goods and Chattels of the Party offending. And in case of Default, or Insufficiency of Goods and Chattels, Offender may be imprisoned for any Time not exceeding Three Calendar Months. Wages exempt from Order or Distraint.

8. Parties to the Contract of Service to be Witnesses, except in Criminal Cases.

PART III.

MODE OF PROCEDURE WHERE THE INJURIES SUSTAINED BY BREACH OF CONTRACT OF SERVICE AMOUNT TO CRIMINAL ACTS.

9. Criminal Acts under Breach of Contract of Service to be tried before Justices in Quarter Sessions in England, Wales, and Ireland, or before Justices in Quarter Sessions or Sheriff in Scotland.

PART IV.

REPEAL OF FORMER ACTS, AND RESERVATION OF CIVIL RIGHTS.

10. All prior Acts, so far as the same are inconsistent herewith, repealed. Not to prevent Proceedings by Civil Action or Suit.

A

B I L L

TO

Amend the Law of Master and Servant.

Preamble. 20 G. 2. c. 19. s. 2.

WHEREAS by an Act of the Twentieth Year of King George the Second, Chapter Nineteen, Section Two, it is enacted, that any Justice or Justices of the Peace, upon Application or Complaint made to him or them upon Oath by any Master, Mistress, or Employer against any Servant of the Character therein described concerning any Misdemeanor, Miscarriage, or Misbehaviour in any such Employment, shall and may hear and determine the same, and, upon Conviction, punish the Offender by Commitment to the House of Correction, there to remain and be corrected and held to Hard Labour for a reasonable Time not exceeding One Calendar Month:

6 G. 3. c. 25. s. 4.

And whereas by an Act of the Sixth Year of King George the Third, Chapter Twenty-five, Section Four, it is enacted, that if any Artificer or other Person of the Character therein described shall contract with any Person whomsoever for any Time or Term whatsoever, and shall absent himself from his Service before the Term of his Contract shall be completed, or be guilty of any other Misdemeanor, then and in every such Case any Justice of the Peace may, upon Conviction, commit any such Person to the House of Correction for any Period not exceeding Three nor less than One Calendar Month:

4 G. 4. c. 34. s. 3.

And whereas by an Act of the Fourth Year of King George the Fourth, Chapter Thirty-four, Section Three, it is enacted, that if any Servant in Husbandry, or any Artificer or other Workman of the Character therein described, shall contract with any Person or Persons whatsoever to serve him, her, or them for any Time or Times whatsoever, and shall not enter into or commence his or her Service according to his or her Contract (such Contract being in Writing and signed by the contracting Parties), or having entered into such Service shall absent himself or herself from his or her Service before the Term of his or her Service shall be completed (whether such Contract shall be in Writing or not in Writing), or neglect to fulfil the same, or be guilty of any other Misdemeanor in the Execution thereof, or otherwise respecting the same, then and in every such Case any Justice of the Peace may, upon Conviction, commit every such Person to the House of Correction, there to remain and be held to Hard Labour for any reasonable Time not exceeding Three Calendar Months:

17 G. 3. c. 56.
10 G. 4. c. 52.
6 & 7 Vict. c. 40.

And whereas by the several Acts of the Seventeenth Year of King George the Third, Chapter Fifty-six, of the Tenth Year of King George the Fourth, Chapter Fifty-two, and of the Sixth and Seventh Years of Her Majesty, Chapter Forty, the herein-before recited Acts were extended to other Classes of Artificers, Workmen, and Servants therein described, and in other respects the Provisions therein were partially altered and amended; but the herein-before recited Provisions therein respectively contained inflicting Imprisonment upon Workmen, Servants, and others for Breach of Contract of Service, or for Misdemeanors under the same, still remain in full Force and Effect:

And whereas the several Provisions in the said herein-before recited Acts relating to such Breaches of Contract and Misdemeanors as therein mentioned, and the present Law relating to the Determination of Complaints between Masters, Workmen, Servants, and others arising under such Contracts of Service as herein-before mentioned, are found to be objectionable; and it is deemed expedient that the same should be altered, and other Provisions made for the hearing and determining of such Complaints:

Enactment.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Preliminary.

Short Title.

1. This Act may be cited for all Purposes as "The Employer and Employed Contract of Service Act, 1867."

Definition of Terms:

2. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be anything in the Subject or Context repugnant to such Construction; and the Terms relating to Masters and Workmen shall have the same Definition as those used in the several Acts herein-before enumerated:

"Employer."

The Word "Employer" shall include any Person, Firm, or Company, together with his or their Agent, Manager, or Factor, who has entered into a Contract of Service with any Servant (other than a Domestic Servant or Apprentice), Workman, Artificer, Labourer, or other Person:

"Employed."

The Word "Employed" shall include any Servant (other than a Domestic Servant or Apprentice), Workman, Artificer, Labourer, or other Person who has entered into a Contract of Service with any Employer:

"Contract of Service."

The Words "Contract of Service" shall include any Contract, whether in Writing or by Parol, to serve for any Period of Time, or to execute any Work; and all the Provisions of this Act in relation thereto shall in every Case apply and be applicable alike to Employer and Employed:

"Parties."

The Word "Parties" shall include the Employer and Employed under any Contract of Service (except as herein-before excepted):

"Writing."

The Word "Writing" shall include "Printing:"

"Property."

The Word "Property" shall include all Real and Personal Estate and Effects used and employed under any Contract of Service.

PART I.

BEFORE WHOM COMPLAINTS BETWEEN EMPLOYER AND EMPLOYED SHALL BE HEARD AND DETERMINED.

Complaints may be heard—

3. All Complaints, Differences, or Disputes which may arise between Employer and Employed under any Contract of Service entered into between them, whether such Contract shall be in Writing or by Parol, shall be heard and determined—

In England, Wales, and Ireland before Two

In England and Wales and in Ireland before any Two Justices of the Peace in Petty Sessions or before a Stipendiary Magistrate respectively having Jurisdiction within the County, City, Justices or Stipendiary Magistrate.

Town, or District where such Contract is to be executed, and the Complaint, Difference, or Dispute in respect to any alleged Breach thereof may have arisen:

In Scotland before Two Justices or Sheriff or his Substitute.

In Scotland before any Two Justices of the Peace in Petty Sessions, or before the Sheriff or his Substitute of the County, City, Town, or District where such Contract is to be executed, and the Complaint, Difference, or Dispute in respect to any alleged Breach thereof may have arisen.

PART II.

THE MODE OF PROCEDURE BETWEEN EMPLOYER AND EMPLOYED FOR BREACH OR NONPERFORMANCE OF THE CONTRACT OF SERVICE, AND FOR RECOVERY OF THE AMOUNT OF COMPENSATION OR DAMAGES OCCASIONED THEREBY.

Complaint to be made for Breach of Contract of Service before a Justice or Stipendiary Magistrate in England, Wales, and Ireland, and before a Justice or Sheriff or his Substitute in Scotland.

4. Wherever the Employer or Employed shall neglect or refuse to fulfil any Contract of Service under the Provisions of this Act, or wherever any Question, Difference, or Dispute shall arise as to the Rights or Liabilities of either of the Parties under such Contract, the Party or Parties feeling aggrieved may lay an Information in Writing before any One or more of the said Justice or Justices or before the said Stipendiary Magistrate in England and Wales and in Ireland, and before any One or more of the said Justice or Justices or before the said Sheriff or his Substitute in Scotland, according to the Provisions herein-before contained; and every such Information in ordinary Cases shall set forth the Grounds of Complaint, and the Amount of Compensation claimed for the Breach or Nonperformance of such Contract; and every such Information in aggravated Cases shall set forth the Grounds of Complaint, and the Amount of Damages claimed for any serious Injury to the Person or Property of the Party so complaining; and upon such Information in Writing being laid before him or them as aforesaid, the said Justice or Justices or the said Stipendiary Magistrate in England and Wales and in Ireland, and the said Justice or Justices or the said Sheriff or his Substitute in Scotland, shall issue a Summons or Citation in Writing under his or their Hand or Hands to the Party or Parties so complained against, setting out the Grounds of Complaint and the Amount claimed for Compensation or Damage as set forth in the said Information, and requiring such Party or Parties to appear at the Time or Place within the said County, City, Town, or District therein appointed before any Two or more of the said Justices in Petty Sessions or before the said Stipendiary Magistrate in England and Wales and in Ireland, and before any Two or more of the said Justices in Petty

Upon Complaint made, Summons or Citation to be issued.

Petty Sessions or before the said Sheriff or his Substitute in Scotland, to answer the said Complaint so that the same may be then and there heard and determined: Provided always, that the Time for such Appearance and Answer shall not exceed the Period of *Seven Days* from the Date of such Summons or Citation, and that the said Summons or Citation shall be served on or left at the usual Place or Places of Abode or Business of the Party or Parties so complained against *Three Days* at the least before the Time therein appointed for the hearing of such Complaint.

Time for Appearance to and Service of Summons or Citation.

5. Wherever the Party or Parties complained against shall neglect or refuse to appear to any Summons or Citation according to the Provisions of this Act, the said Two Justices in Petty Sessions or the said Stipendiary Magistrate in England and Wales and in Ireland, and the said Two Justices in Petty Sessions or the said Sheriff or his Substitute in Scotland, shall, after due Proof of the Service of such Summons or Citation in manner herein-before mentioned, issue a Warrant under their respective Hands and Seals for the Apprehension of the Party or Parties so neglecting or refusing to appear to such Summons to be brought before him or them in order to the hearing and determining such Complaint, Difference, or Dispute as herein-before provided.

On Neglect or Refusal to obey Summons or Citation, Warrant to issue for Apprehension of Parties.

6. Upon the hearing of any Complaint, Difference, or Dispute between Employer and Employed in respect to the Breach or Nonperformance of any Contract of Service under the Provisions of this Act, the said Two Justices in Petty Sessions or the said Stipendiary Magistrate in England and Wales and in Ireland, and the said Two Justices in Petty Sessions or the said Sheriff or his Substitute in Scotland, shall, after due Examination, and upon the Proof and Establishment of such Complaint, by an Order under their respective Hands, direct and enforce the Fulfilment of the said Contract, and, if they or he shall think fit, direct the Party or Parties so complained against to find good and sufficient Security in such Amount as they or he shall think fit for the Fulfilment of such Contract, or may, if they or he shall think fit, annul the said Contract, and discharge the Parties from the same; and in such Order the said Two Justices or the said Stipendiary Magistrate in England and in Wales and in Ireland, and the said Two Justices or the said Sheriff or his Substitute in Scotland, shall respectively assess and determine the Amount of Compensation to be made to the Party or Parties complaining, or the Amount of Damage to be paid for any serious Injury to the Person or Property of the Party or Parties complaining, by reason of the Breach or Nonperformance of such Contract according to the Provisions herein-before contained.

Compensation may be awarded under Order of Two Justices, &c. for Damages sustained by Breach or Nonperformance of Contract of Service.

In case of Disobedience of Order, a Warrant of Distraint may be levied on the Goods and Chattels of the Party offending;

and in case of Default, or Insufficiency of Goods and Chattels, Offender may be imprisoned for any Time not exceeding Three Calendar Months.

Wages exempt from Order or Distraint.

7. Wherever any Party or Parties to the Contract of Service shall neglect or refuse to comply with an Order made upon him, her, or them under the Provisions of this Act, the said Two Justices in Petty Sessions or the said Stipendiary Magistrate in England and Wales and in Ireland, and the said Two Justices in Petty Sessions or the said Sheriff or his Substitute in Scotland, may issue a Warrant of Distraint under their respective Hands and Seals against the Goods and Chattels of the Party or Parties so offending, and may impound and sell the same at any Time not exceeding Three Days from the levying of such Distraint in liquidation and discharge of the Amount of Compensation or Damages so assessed and directed to be paid by any such Order; and in case there shall be no such Goods and Chattels on the Premises of the Party or Parties so offending, or in case the same, when sold, shall be insufficient to liquidate and discharge the Amount of such Compensation or Damages, the said Justices or the said Stipendiary Magistrate in England and Wales and in Ireland, and the said Justices or the said Sheriff or his Substitute in Scotland, may commit the Party or Parties against whose Goods and Chattels such Warrant of Distraint shall have issued to the Common Gaol or House of Correction within the County, City, Town, or District where such Party or Parties shall reside, there to be confined and kept for any Length of Time not exceeding Three Calendar Months; and from and after the Expiration of the Term of such Imprisonment the Amount of Compensation or Damages so assessed and directed to be paid by any such Order as aforesaid shall be deemed and considered as liquidated and discharged, and such Order shall be annulled accordingly, and the said Parties exonerated from their respective Obligations under the same: Provided always, that no Wages or any Portion thereof which may be due or accruing due to the Employed under any Contract of Service shall be assessed to the Amount of Compensation or Damages directed to be paid by him, her, or them under any Order or Warrant of Distraint so to be made and issued according to the Provisions herein-before contained.

Parties to the Contract of Service to be competent Witnesses, except in Criminal Cases.

8. Upon the hearing and determining of any Complaint, Difference, or Dispute between Employer and Employed under the Provisions of this Act, the respective Parties to the Contract of Service shall be deemed and considered as competent Witnesses in all Cases, except those which may be remitted to the Court of Criminal Judicature of the Quarter Sessions of the Peace in England and in Wales and in Ireland, and of the Quarter Sessions or Sheriff's Court in Scotland, according to the Provisions hereinafter contained.

PART III.

MODE OF PROCEDURE WHERE THE INJURIES SUSTAINED BY BREACH OF CONTRACT OF SERVICE AMOUNT TO CRIMINAL ACTS.

Criminal Acts under Breach of Contract of Service to be tried before Justices in Quarter Sessions in England, Wales, and Ireland, or before Justices in Quarter Sessions or Sheriff in Scotland.

9. Wherever upon the Hearing of any Complaint, Difference, or Dispute between Employer and Employed for Breach or Non-performance of any Contract of Service under the Provisions of this Act it shall appear to the said Two Justices in Petty Sessions or to the said Stipendiary Magistrate in England and Wales and in Ireland, and to the said Two Justices in Petty Sessions or to the said Sheriff or his Substitute in Scotland, that the Injury to the Person or Property of the Party or Parties complaining has been wilfully and maliciously inflicted so as to amount to a Criminal Act, and not to be remedied by pecuniary Compensation according to the Provisions herein-before contained, the said Justices or the said Stipendiary Magistrate in England and Wales and in Ireland, and the said Justices or the said Sheriff or his Substitute in Scotland, shall send the Case for Trial before the Court of Criminal Judicature at the Quarter Sessions of the Peace or Sheriff's Court for the County, City, Town, or District in which the Offence was perpetrated, and shall, by a Warrant under their respective Hands and Seals, commit the Offender or Offenders to the Common Gaol of the said County, City, Town, or District, or hold the said Offender or Offenders to Bail under the said Warrant of Commitment in One or more responsible Surety or Sureties, and in such Amount of Money as they or he may deem expedient, for the Appearance of such Offender or Offenders before the said Court of Criminal Judicature as herein-before provided, there to be tried according to the legal and accustomed Mode of Procedure of such Court against Criminals and Offenders, and upon Conviction the said Offender or Offenders shall and may be sentenced to such Punishment as by Law is awarded for Crimes and Misdemeanors of the like Nature.

PART IV.

REPEAL OF FORMER ACTS; AND RESERVATION OF CIVIL RIGHTS.

All prior Acts, so far as the same are inconsistent herewith, repealed.

10. All the several Acts herein-before recited or enumerated, as well as all other Acts relating to Contracts of Service between Masters and Workmen, Servants, and others, shall be and the same are hereby repealed in so far as the same are inconsistent with or repugnant to the Powers and Provisions of this Act, but not further or otherwise: Provided always, that nothing in this Act shall

Not to prevent Proceedings by Civil Action or Suit.

shall prevent Employer or Employed from enforcing their respective Civil Rights and Remedies for any Breach or Nonperformance of the Contract of Service by any Action or Suit in the ordinary Courts of Law or Equity, but no Wages of the Employed shall be attached in satisfaction of any Judgment to be recovered in any such Action or Suit according to the Provisions herein-before contained.

Master and Servant.

A

B I L L

To amend the Law of Master and Servant.

(Prepared and brought in by
Lord Elcho, Mr. George Clive, and Mr. Algernon Egerton.)

Ordered, by The House of Commons, *to be Printed,*
2 April 1867.

[Bill 105.]

Under 2 oz.

Master and Servant Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

Preliminary.

1. Short Title of Act.
2. Definition of Terms.

PART I.

BEFORE WHOM COMPLAINTS BETWEEN EMPLOYER AND EMPLOYED SHALL BE HEARD AND DETERMINED.

3. Complaints may be heard—
    In England, Wales, and Ireland before Two or more Justices or Stipendiary Magistrate.
    In Scotland before Two or more Justices or the Sheriff.

PART II.

THE MODE OF PROCEDURE BETWEEN EMPLOYER AND EMPLOYED FOR BREACH OR NONPERFORMANCE OR MISDEMEANOR OR MISCONDUCT IN THE EXECUTION OF THE CONTRACT OF SERVICE, AND FOR RECOVERY OF THE AMOUNT OF DAMAGES OCCASIONED THEREBY.

4. Complaint to be made before a Justice or Stipendiary Magistrate in England, Wales, and Ireland, and before a Justice or Sheriff in Scotland. And upon Complaint made, Summons or Citation to issue. Time for Appearance to and Service of Summons or Citation.
5. On Neglect or Refusal to obey Summons or Citation, Warrant to issue for Apprehension of Parties. In case of Intention to abscond, Surety to be found for Appearance.

Clause.
6. Compensation may be awarded under Order of Two Justices, &c. for Damages sustained by Breach or Nonperformance or Misdemeanor or Misconduct in the Execution of Contract of Service.
7. In case of Disobedience of Order, a Warrant of Distraint or Poinding may be levied on the Goods and Chattels of the Party offending. And in case of Default, or Insufficiency of Goods and Chattels, Offender may be imprisoned for any Time not exceeding Three Calendar Months. Future Wages exempt from Order or Distraint and from Arrestment in Scotland.
8. In case Distraint or Poinding should be insufficient or ruinous to Party convicted, Justices, &c. may commit him to Prison.
9. Parties to the Contract of Service to be Witnesses.

PART III.

MODE OF PROCEDURE WHERE THE BREACH OF CONTRACT OF SERVICE, MISDEMEANOR, OR MISCONDUCT ARE OF AN AGGRAVATED CHARACTER.

10. Aggravated Acts under Breach of Contract of Service to be punished by Imprisonment with Hard Labour for any Term not exceeding Three Months.
11. Party convicted may appeal to the next General Quarter Sessions of the Peace.

PART IV.

REPEAL OF FORMER ACTS, AND RESERVATION OF CIVIL RIGHTS.

12. All recited Acts, so far as the same are inconsistent herewith, repealed. Not to prevent Proceedings by Civil Action or Suit.

PART V.

FORMS OF PROCEEDINGS TO BE USED IN CARRYING OUT THE PROVISIONS OF THIS ACT.

13. No Objection to be taken for Defect in Forms.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Statute Law as between Master and Servant.

Preamble.
20 G. 2. c. 19.
31 G. 2. c. 2.
6 G. 3. c. 25.
33 G. 3. c. 55.
4 G. 4. c. 29.
4 G. 4. c. 34.

WHEREAS by the various Acts of Parliament herein-after mentioned, that is to say, an Act of the Twentieth Year of King George the Second, Chapter Nineteen, an Act of the Thirty-first Year of George the Second, Chapter Second, an Act of the Sixth Year of King George the Third, Chapter Twenty-five, an Act of the Thirty-third Year of His said Majesty, Chapter Fifty-five, an Act of the Fourth Year of King George the Fourth, Chapter Twenty-nine, and an Act of the Fourth Year of His said Majesty, Chapter Thirty-four, Provisions are made, inter alia, for the hearing and determining before Justices of the Peace of Complaints, at the Instance of any Workman, Servant, or Apprentice of the Character therein described respectively, against any Master or Mistress, touching any Misusage, Refusal of necessary Provision, Cruelty, or other Ill-treatment towards such Workman, Servant, or Apprentice, and of Complaints, at the Instance of any Master or Mistress, against any Workman, Servant, or Apprentice of the Character therein described, touching such Workman, Servant, or Apprentice respectively having refused to enter upon or commence his or her Service, or, having entered into such Service, having absented himself or herself before the Completion thereof, or neglecting to fulfil the same, or touching such Workman, Servant, or Apprentice respectively having been guilty of any Misconduct, Misdemeanor, or Ill-behaviour in the Execution of such Service, or respecting the same, and it is provided that in such Cases any Justice of the Peace may, upon Conviction, commit every such Servant or Apprentice to the House of Correction, there to remain and be held to Hard Labour for any reasonable Time not exceeding Three Calendar Months:

17 G. 3. c. 56. 10 G. 4. c. 52. 5 Vict. c. 7. 6 & 7 Vict. c. 40.

And whereas by the several Acts of the Seventeenth Year of King George the Third, Chapter Fifty-six, of the Tenth Year of King George the Fourth, Chapter Fifty-two, of the Fifth Year of Her present Majesty, Chapter Seventh, and of the Sixth and Seventh Years of Her said Majesty, Chapter Forty, the herein-before recited Acts were extended to other Classes of Artificers, Workmen, Servants, and Apprentices therein described, and in other respects the Provisions therein were partially altered and amended; but the herein-before recited Provisions therein respectively contained inflicting Imprisonment with Hard Labour upon Workmen, Servants, Apprentices, and others, for Breach of Contract of Service, or for Misdemeanors under the same, still remain in full Force and Effect, without allowing any Alternative by way of Fine or otherwise:

And whereas the several Provisions in the said herein-before recited Acts relating to such Breaches of Contract and Misdemeanors or Misconduct, as therein mentioned, and the present Law relating to the Determination of Complaints between Masters, Workmen, Servants, Apprentices, and others, arising under such Contracts of Service as herein-before mentioned or referred to, are found to be objectionable; and it is deemed expedient that the same should be altered, and other Provisions made for the hearing and determining of such Complaints:

Enactment.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PRELIMINARY.

Short Title.

1. This Act may be cited for all Purposes as "The Employer and employed Contract of Service Act, 1867."

Definition of Terms:

2. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be anything in the Subject or Context repugnant to such Construction; and the Terms relating to Masters, Workmen, Servants, Apprentices, and others shall have the same Definition as those used in the several Acts herein-before enumerated:

Words in the Masculine Gender shall include the Feminine, and Words in the Singular shall include the Plural. The Word "Employer" shall include any Person, Firm, or Company, together with his or their Agent, Manager, or Factor, who has entered into a Contract of Service with any Servant, Workman, Artificer, Labourer, Apprentice, or other Person within the Meaning of the said recited Acts:

"Employer."

The Word "employed" shall include any Servant, Workman, Artificer, Labourer, Apprentice, or other Person who has entered into a Contract of Service or Apprenticeship with any Employer within the Meaning of the said recited Acts:

"Employed."

The Words "Contract of Service" shall include any Contract, whether in Writing or by Parol, to serve for any Period of Time, or to execute any Work, and any Indenture or Contract of Apprenticeship; and all the Provisions of this Act in relation thereto shall in every Case apply and be applicable alike to Employer and employed:

"Contract of Service."

The Word "Complaint" shall include all Questions, Disputes, Differences, Misusage, Misdemeanors, Misconduct, and all other Offences which may have arisen or been committed under the Contract of Service or Indenture, or Contract of Apprenticeship:

"Complaint."

The Word "Parties" shall include the Employer and employed under any Contract of Service or Apprenticeship as aforesaid:

"Parties."

The Word "Writing" shall include "Printing:"

"Writing."

The Word "Property" shall include all Real and Personal Estate and Effects used and employed under or affected by any Contract of Service or Operations under the same:

"Property."

The Word "Sheriff" shall include Sheriff Substitute.

"Sheriff."

PART I.

BEFORE WHOM COMPLAINTS BETWEEN EMPLOYER AND EMPLOYED SHALL BE HEARD AND DETERMINED.

3. All Complaints, Differences, or Disputes which may arise between Employer and employed under any Contract of Service entered into between them, whether such Contract shall be in Writing or by Parol, shall be heard and determined—

Complaints may be heard—

In England and Wales and in Ireland before any Two Justices of the Peace or before a Stipendiary Magistrate, and in Scotland before any Two Justices of the Peace or before the

In England, Wales, and Ireland before Two

Justices or Stipendiary Magistrate, and in Scotland before Two Justices or Sheriff.

the Sheriff respectively, having Jurisdiction within the County, City, Town, or District where such Contract is to be executed, or the Complaint, Difference, or Dispute shall have arisen.

PART II.

THE MODE OF PROCEDURE BETWEEN EMPLOYER AND EMPLOYED FOR BREACH OR NONPERFORMANCE OR MISDEMEANOR OR MISCONDUCT IN THE EXECUTION OF THE CONTRACT OF SERVICE, AND FOR RECOVERY OF THE AMOUNT OF DAMAGES OCCASIONED THEREBY.

Complaint to be made before a Justice or Stipendiary Magistrate in England, Wales, and Ireland, and before a Justice or Sheriff in Scotland.

Upon Complaint made, Summons or Citation to be issued.

Time for Appearance to and Service of Summons or Citation.

4. Wherever the Employer or employed shall neglect or refuse to fulfil any Contract of Service, or wherever any Question, Difference, or Dispute within the Meaning of the said recited Acts shall arise as to the Rights or Liabilities of either of the Parties, or touching any Misusage, Misdemeanor, Misconduct, Ill-treatment, or other Injury to the Person or Property of either of the Parties under such Contract, the Party feeling aggrieved may lay an Information or Complaint in Writing before any Justice, Stipendiary Magistrate, or Sheriff, according to the Provisions herein-before contained; and every such Information or Complaint shall set forth the Grounds of Complaint, and the Amount of Compensation, Damage, or other Remedy claimed for the Breach or Nonperformance of such Contract, or for any such Misusage, Misdemeanor, Misconduct, Ill-treatment, or other Injury to the Person or Property of the Party so complaining; and upon such Information or Complaint being laid before them as aforesaid, the said Justice, Stipendiary Magistrate, or Sheriff shall issue or cause to be issued a Summons or Citation to the Party so complained against, setting out the Grounds of Complaint, and the Amount claimed for Compensation, Damage, or other Remedy, as set forth in the said Information or Complaint, and requiring such Party to appear, at the Time or Place within the said County, City, Town, Place, or District therein appointed, before any Two or more of the said Justices or before the said Stipendiary Magistrate in England and Wales and in Ireland, and before any Two or more of the said Justices or before the said Sheriff in Scotland, to answer the said Complaint, so that the same may be then and there heard and determined: Provided always, that the Time for such Appearance and Answer shall not exceed the Period of Six Days from the Date of such Summons or Citation, and that the said Summons or Citation shall be served on or left at the usual Place of Abode or Business of the Party so complained against Three Days

In case of Intention to abscond, Security to befound for Appearance.

Days at the least before the Time therein appointed for the hearing of such Complaint: Provided also, that in case it shall appear to the said Justice, Stipendiary Magistrate, or Sheriff that the Party complained against is about to abscond, the said Summons or Citation shall require the said Party to appear before such Justice, Stipendiary Magistrate, or Sheriff within the Period of Twenty-four Hours from the Time of serving or leaving the said Summons or Citation, in order that the said Party may find good and sufficient Security for his Appearance before the Two Justices, Stipendiary Magistrate, or Sheriff on or before the Expiration of the said Six Days, or before the Justices assembled at the next ordinary Court of Petty Sessions to be holden after the serving or leaving of the said Summons or Citation.

On Neglect or Refusal to obey Summons or Citation, Warrant to issue for Apprehension of Parties.

5. Wherever the Party complained against shall neglect or refuse to appear to any Summons or Citation according to the Provisions of this Act, the Two Justices, Stipendiary Magistrate, or Sheriff shall, after due Proof of the Service of such Summons or Citation, issue a Warrant for the Apprehension of the Party so neglecting or refusing to appear to such Summons or Citation, to be brought before him or them in order to the hearing and determining such Complaint.

Compensation may be awarded under Order of Two Justices, &c. for Damages sustained by Breach or Nonperformance of Contract of Service.

6. Upon the hearing of any Complaint, under the Provisions of this Act, the Two Justices, Stipendiary Magistrate, or Sheriff shall, after due Examination, and upon the Proof and Establishment of such Complaint, by an Order in Writing under their respective Hands, make an Abatement of the whole or Part of any Wages then already due to the employed, or shall direct the Fulfilment of the Contract, and direct or appoint the Party complained against to find good and sufficient Security in such Amount as they or he shall think fit for the Fulfilment of such Contract, or shall annul the said Contract, and discharge the Parties from the same, and at the same Time apportion the Amount of Wages due up to the completed Period of such Contract, or shall in such Order, where no Amount of Compensation or Damage can be assessed, impose a Fine upon the Party so complained against, not exceeding in Amount the Sum of Twenty Pounds, or shall assess and determine the Amount of Damage, together with the Costs, to be made to the Party complaining, and, in the event of the Party complained against neglecting or refusing to comply with such Order, may, if they or he shall think fit, by Warrant under their respective Hands, commit the said Party to the Common Gaol or House of Correction for the County, City, Town, Place, or District wherein such Offence was committed or such Party shall reside, there to be confined and kept until he shall find such good and sufficient Security as aforesaid for the due Performance and Fulfilment of the said Contract, or until Payment of the Fine so imposed, but nevertheless so that the whole Term of Imprisonment, whether under One or more Committals, shall not exceed the Period of Three Calendar Months; and no Wages shall become payable to or recoverable by the said Party during such Term of Imprisonment, according to the Provisions herein-before contained.

In case of Disobedience of Order, a Warrant of Distraint or Poinding may be levied on the Goods and Chattels of the Party offending;

7. Wherever any Party to the Contract of Service shall neglect or refuse to comply with an Order made upon him for the Amount of Fine, Compensation, or Damage, together with the Costs, under the Provisions of this Act, the said Two Justices, Stipendiary Magistrate, or Sheriff may issue a Warrant of Distraint or Poinding against the Goods and Chattels of the Party so offending, and may impound and sell or grant a Warrant of Sale of the same at any Time not exceeding Three Days from the levying of such Distraint or Poinding, in liquidation and discharge of the Amount of Fine, Compensation, or Damages so assessed and directed to be paid by any such Order; and in case there shall be no such Goods and Chattels on the Premises of or belonging to the Party so offending, or in case the same, when sold, shall be insufficient to liquidate and discharge the Amount of such Fine, Compensation, or Damages, the said Justices, Stipendiary Magistrate, or Sheriff may commit the Party against whose Goods and Chattels such Warrant of Distraint or Poinding shall have issued to the Common Gaol or House of Correction for the County, City, Town, Place, or District wherein such Offence was committed, or such Party shall reside or be found, there to be confined and kept for any Length of Time not exceeding Three Calendar Months; and from and after the Expiration of the Term of such Imprisonment the Amount of Fine, Compensation, or Damages, together with the Costs, so assessed and directed to be paid by any such Order as aforesaid, shall be deemed and considered as liquidated and discharged, and such Order shall be annulled accordingly, and the said Parties exonerated from their respective Obligations under the same: Provided always, that no Wages or any Portion thereof which may be accruing due to the employed under any Contract of Service after the Date of such Order shall be assessed to the Amount of Compensation or Damages and Costs directed to be paid by him under any such Order or Warrant of Distraint or Poinding, or be seizable or arrestable under the same, nor shall any Wages become payable to or recoverable by the said Party during the Term of his Imprisonment under any such Warrant of Committal.

and in case of Default, or Insufficiency of Goods and Chattels, Offender may be imprisoned for any Time not exceeding Three Calendar Months.

Wages exempt from Order, Distraint, Poinding, or Arrestment.

8. Wherever upon the hearing of any Complaint under the Provisions of this Act it shall appear to the said Two Justices, Stipendiary Magistrate, or Sheriff that the Sale of the Goods and Chattels of the Party offending would be insufficient to liquidate and discharge the Amount of Fine, Compensation, or Damage, together with the Costs which would have been assessed and levied under any Order or Warrant of Distraint or Poinding, according to the Provisions herein-before contained, or that the levying of such Distraint or Poinding would be ruinous to the Party convicted, they or he may, if they think fit, at the Request of such Party, abstain from issuing any such Order or Warrant of Distraint or Poinding, and instead thereof may, by Warrant, commit such Party to the Common Gaol or House of Correction for the County, City, Town, Place, or District wherein the Offence was committed, or he shall reside or be found, there to be confined and kept for any Length of Time not exceeding Three Calendar Months; and such Imprisonment shall be accepted and taken in full Satisfaction and Discharge of the Amount of Fine or Damage, together with the Costs, which would otherwise have been assessed against him, under the Provisions herein-before contained.

In case Distraint or Poinding should be insufficient or ruinous to Party convicted, Justices, &c. may commit him to Prison.

9. Upon the hearing and determining of any Complaint, Difference, or Dispute between Employer and employed under the Provisions of this Act, the respective Parties to the Contract of Service, their Husbands or Wives, shall be deemed and considered as competent Witnesses for all the Purposes of this Act.

Parties to the Contract of Service to be competent Witnesses.

PART III.

Mode of Procedure where the Breach of Contract of Service, Misdemeanor, or Misconduct are of an aggravated Character.

10. Wherever, upon the hearing of any Complaint, under the Provisions of this Act, it shall appear to the said Two Justices, Stipendiary Magistrate, or Sheriff that the Injury inflicted upon the Person or Property of the Party complaining, or the Misconduct, Misdemeanor, or Ill-treatment complained of, has been of an aggravated Character, and has not arisen in the bonâ fide Exercise of any supposed legal Right, or that such Injury, Misconduct, Misdemeanor, or Ill-treatment cannot be remedied by pecuniary Compensation or otherwise, according to the Provisions herein-before contained, it shall and may be lawful for the said Justices, Stipendiary Magistrate, or Sheriff, by Warrant under their respective Hands, to

Aggravated Acts under Breach of Contract of Service to be punished by Imprisonment with Hard Labour for any Term not exceeding Three Calendar Months.

commit the Party complained against to the Common Gaol or House of Correction for the County, City, Town, Place, or District in which the Offence was perpetrated or such Party shall reside or be found, there to be confined and kept, with or without Hard Labour, for any Length of Time not exceeding Three Calendar Months from the Date of such Committal: Provided always, that no Wages or any Portion thereof shall be payable to or recoverable by the said Party during the Term of such Imprisonment: Provided also, that nothing in this Act shall interfere with the usual and accustomed Mode of Procedure in any Court of Criminal Judicature for the Trial of indictable Offences relating to wilful and malicious Injuries to Persons or Property committed by Masters, Workmen, Servants, or others, either at Common Law or under the several Statutes made and now in force for the Punishment of such Offences.

Party convicted may appeal to the next General Quarter Sessions of the Peace.

11. Any Party convicted of an aggravated Offence by Two or more Justices or Stipendiary Magistrate, under the Provisions of this Act, may appeal against the Conviction, upon finding good and sufficient Security, in such Amount as may be determined upon by such Justices or Stipendiary Magistrate, to prosecute the said Appeal at the next General Court of Quarter Sessions of the Peace to be holden in and for the County, City, Town, Place, or District wherein such Conviction shall have been made, and to abide the Result of the said Appeal according to the usual Procedure of such Court.

PART IV.

Repeal of former Acts, and Reservation of Civil Rights.

All prior Acts, so far as the same are inconsistent herewith, repealed.

Not to prevent Proceedings by Civil Action or Suit.

12. All the several Acts herein-before recited or enumerated shall be and the same are hereby repealed, in so far as the same are inconsistent with or repugnant to the Powers and Provisions of this Act, but not further or otherwise: Provided always, that nothing in this Act shall prevent Employer or employed from enforcing their respective Civil Rights and Remedies for any Breach or Nonperformance of the Contract of Service by any Action or Suit in the ordinary Courts of Law or Equity, but no Wages of the employed which may be accruing due from and after the Commencement of any such Action or Suit shall be attached in satisfaction of any Judgment to be recovered or pronounced therein, according to the Provisions herein-before contained.

PART

PART V.

FORMS OF PROCEEDINGS TO BE USED IN CARRYING OUT THE PROVISIONS OF THIS ACT.

No Objection to be taken for Defect in Forms.

13. The several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed valid and sufficient in Law, and no Objection shall be taken or allowed for any alleged Defect therein, either in Substance or in Form, and in Scotland the Forms of Procedure provided by "The Summary Procedure (Scotland) Act, 186 , may be adopted so far as the same are applicable to the Provisions of this Act.

THE SCHEDULE.

A.

The Information or Complaint.

to wit. } The Information [*or Complaint*] of *A.B.* of [*describe Place of Abode and Trade*] this Day made before me [*or* " *us,*" *One or more Justices, Stipendiary Magistrate, or Sheriff*] in and for the said [*County, City, Town, Place, or District*] against *C.D.* of [*describe Place of Abode and Trade*] for that he the said *C.D.* [*here state the Matter of the Information or Complaint, and the Amount claimed for Damages, or other Remedy*].

Dated this Day of 186 .

(Signed) *A.B.*

B.

Summons or Citation on the above Information or Complaint.

to wit. } To *A.B.* [*describe Place of Abode and Trade*].

Whereas Information [*or Complaint*] hath this Day been made before [*the Name of One or more Justices, Stipendiary Magistrate, or Sheriff*] in and for the said [*County, City, Town, Place, or District*] for that you [*state shortly the Matter of the Information or Complaint*].

These are therefore to command you in Her Majesty's Name to be and appear on the Day of next at o'Clock in the Forenoon at before Two or more Justices of the Peace [*or* " *before me* " *in case the Summons is issued by a Stipendiary Magistrate or Sheriff*] to answer the said Information [*or Complaint*], and to be further dealt with according to Law.

Given under my Hand,* this Day of 186 .

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* In case of a Citation in Scotland, upon an Information or Complaint, the usual Form to be adopted.

C.—*Warrant*

C.

Warrant where the Summons or Citation is disobeyed.

to wit. } To the Constable or other proper Officer of within the [*County, City, Town, Place, or District*].

Whereas on the Day of last past Information [*or Complaint*] was made before [*One or more Justices, Stipendiary Magistrate, or Sheriff*] for that *A.B.* [*state as in the Information or Complaint*]: And whereas a Summons [*or Citation*] was then issued unto the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear on the Day of before Two or more Justices of the Peace [*or Stipendiary Magistrate or Sheriff*] in and for the said [*County, City, Town, Place, or District*], to answer the said Information [*or Complaint*], and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place so appointed in and by the said Summons, although it hath been proved before me that the said Summons hath been duly served upon the said *A.B.*:

These are therefore to command you forthwith to apprehend the said *A.B.*, and to bring him before some Two or more of Her Majesty's Justices of the Peace [*or Stipendiary Magistrate or Sheriff*] in and for the said [*County, City, Town, Place, or District*] to answer to the said Information [*or Complaint*], and to be further dealt with according to Law.

Given under my Hand, this Day of 186 .

D.

Conviction and Order for Damages to be levied by Distress, and in default of sufficient Distress the Offender to be imprisoned.

to wit. } Be it remembered, That on the Day of 186 , at [*Name of Place and County*] *A.B.* is convicted before the undersigned [*Two Justices, Stipendiary Magistrate, or Sheriff*], for that he the said *A.B.* did [*state the Offence as in the Information or Complaint*], and we [*or I*] adjudge the said *A.B.* for his said Offence to pay to the said *C.D.*, the Complainant, the Sum of £ as the Amount of Damage suffered by him, together with the Sum of £ for his Costs in this Behalf, * and if the said several Sums be not paid on or before the Day of [*we or I*] order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*;

and in default of sufficient Distress* we [*or I*] adjudge the said *A.B.* to be imprisoned in the [*Common Gaol or House of Correction at in the said County, City, Town, Place, or District*] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress [*and of the Commitment and conveying of the said A.B. to the said House of Correction*], shall be sooner paid.

Given under [*our or my*] Hands, the Day and Year first above mentioned.

N.B.—Where it appears that the issuing of a Warrant of Distraint would be ruinous to the Defendant, or that he has an Insufficiency or no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks **, say, "but, inasmuch as it hath been made to appear [*that the issuing a Warrant of Distress in this Behalf would be ruinous to the said A.B.," or "that the said A.B. hath* [*an Insufficiency*] *or* [*no*] *Goods and Chattels whereon to levy the said Sums*"], we [*or I*] adjudge the said *A.B.* to be imprisoned [*in the Common Gaol or House of Correction, &c. for the Space of*].

E.

Conviction in a Fine or Penalty, and in default of Payment by Imprisonment.

to wit. } Be it remembered, &c. [*the same Words to be used as in Form D. to the End of the Information or Complaint*] We [*or I*] adjudge the said *A.B.* for his said Offence to pay a Fine or Penalty of £ , together with the Sum of £ for Costs in this Behalf, and in default of Payment we [*or I*] adjudge the said *A.B.* to be imprisoned in the [*Common Gaol or House of Correction at* , *&c.*] for the Space of unless the said Fine and Costs, together with the Expenses of the Commitment and conveying of the said *A.B.* to the said [*Common Gaol or House of Correction*], shall be sooner paid.

Given under [*our or my*] Hands, the Day and Year first above mentioned.

F.—*Con-*

F.

Conviction for an aggravated Offence where the Punishment is by Imprisonment.

to wit. } Be it remembered, &c. [*the same Words to be used as in Form D. to the End of the Information or Complaint*] We [*or I*] adjudge the said *A.B.* for his said Offence to be imprisoned in the [*Common Gaol or House of Correction at &c.*]* for the Space of .

Given under [*our or my*] Hands, the Day and Year first above mentioned.

* If to be kept to Hard Labour add "and there to be kept to Hard Labour."

G.

Warrant of Distraint and Sale of Goods and Chattels for Damages and Costs.

to wit. } To the Constable or other proper Officer of within the [*County, City, Town, Place, or District*].

Whereas on the Day of last past *A.B.* was convicted before the undersigned [*Two Justices, Stipendiary Magistrate, or Sheriff*], for that he the said *A.B.* did [*state the Offence as in the Information or Complaint*]: And whereas the said *A.B.* was adjudged for his said Offence to pay to the said *C.D.*, the Complainant, the Sum of £ as the Amount of Damage suffered by him, together with the Sum of £ for his Costs in this Behalf, and was ordered to pay the same on or before the Day of last past: And whereas the said *A.B.* hath not complied with the said Order at the Time therein appointed for such Payment:

These are therefore to authorize and require you the said Constable, and all other the said Peace Officers, to enter into and upon the Dwelling House and Premises of the said *A.B.*, and then and there to distrain the Goods and Chattels of the said *A.B.*, and [*within the Space of Days from the Date hereof*] to sell the same, or such Portion thereof, by Public Auction, as will fully pay and satisfy the Amount of the Compensation or Damages and Costs assessed by the said Order, together with the Expenses of levying and keeping this Distraint, and of the Sale of such Goods and Chattels as aforesaid.

Given under [*our or my*] Hands, this Day of 186 .

N.B.—Where the Damages are levied by Poinding or Warrant of Sale in Scotland the usual Forms there adopted may be followed.

H.

Commitment for Default in Distraint or Poinding, or for Non-payment of a Fine, or for an aggravated Offence.

to wit. } To the Constable of , and to all other Peace Officers within the [*County, City, Town, Place, or District*], and to the Keeper of the [*Common Gaol or House of Correction at aforesaid*].

Whereas on the Day of last past *A.B.* was convicted before the undersigned [*Two Justices, Stipendiary Magistrate, or Sheriff*], for that he the said [*set out the Conviction and Warrant of Distraint as in Form G., and add, "And whereas the Goods and Chattels of the said A.B. so distrained and sold were insufficient to pay the said Damages and Costs, and the Expenses incident to the said Distraint and Sale," or "there were no Goods and Chattels of the said A.B. on which to levy the said Distraint." In case a Distraint would be ruinous, or there is an Insufficiency, or no Goods, state the Conviction as in Form D., and add, "But inasmuch as the issuing a Warrant of Distress would be ruinous to the said A.B.," or "Inasmuch as the said A.B. hath* [*an Insufficiency*] *or* [*no*] *Goods and Chattels whereon to levy the said Distraint." In case of a Fine set out the Conviction as in Form E., and add, "And whereas the said Fine was not paid by the said A.B. as ordered;" and in case of an aggravated Offence set out the Conviction as in Form F.*]:

These are therefore to command you to take the said *A.B.*, and him safely to convey to the [*Common Gaol or House of Correction at aforesaid*], and there to deliver him to the Keeper thereof, together with this Precept.

And [*we or I*] do hereby command you the said Keeper of the said [*Common Gaol or House of Correction*] to receive the said *A.B.* into your Custody in the said [*Common Gaol or House of Correction*], there to imprison him [*and keep him to Hard Labour*] for the Space of [*unless the said Fine or several Sums, and the Costs and Charges of conveying him to Prison, amounting to the further Sum of £ , shall be sooner paid*].

And for your so doing this shall be your sufficient Warrant.

Given under [*our or my*] Hands, this Day of 186 .

Master and Servant.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Statute Law as between
Master and Servant.

(Prepared and brought in by
Lord Elcho, Mr. George Clive, and Mr. Algernon
Egerton.)

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1867.

[Bill 204.]

Under 3 *oz.*

Master and Servant Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

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4. Complaint to be made before a Justice or Magistrate in England, Wales, and Ireland, and before a Justice or Sheriff in Scotland. And upon Complaint made, Summons or Citation to issue. Time for Appearance to and Service of Summons or Citation.
5. On Neglect or Refusal to obey Summons or Citation, Warrant to issue for Apprehension of Parties. In case of Intention to abscond, Surety to be found for Appearance.

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13. All recited Acts, so far as the same are inconsistent herewith, repealed. Not to prevent Proceedings by Civil Action or Suit.

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14. No Objection to be taken for Defect in Forms.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Statute Law as between Master and Servant.

Preamble.
20 G. 2. c. 19.
31 G. 2. c. 2.
6 G. 3. c. 25.
33 G. 3. c. 55.
4 G. 4. c. 29.
4 G. 4. c. 34.

WHEREAS by the various Acts of Parliament herein-after mentioned, that is to say, an Act of the Twentieth Year of King George the Second, Chapter Nineteen, an Act of the Thirty-first Year of George the Second, Chapter Second, an Act of the Sixth Year of King George the Third, Chapter Twenty-five, an Act of the Thirty-third Year of His said Majesty, Chapter Fifty-five, an Act of the Fourth Year of King George the Fourth, Chapter Twenty-nine, and an Act of the Fourth Year of His said Majesty, Chapter Thirty-four, Provisions are made, inter alia, for the hearing and determining before Justices of the Peace of Complaints, at the Instance of any Workman, Servant, or Apprentice of the Character therein described respectively, against any Master or Mistress, touching any Misusage, Refusal of necessary Provision, Cruelty, or other Ill-treatment towards such Workman, Servant, or Apprentice, and of Complaints, at the Instance of any Master or Mistress, against any Workman, Servant, or Apprentice of the Character therein described, touching such Workman, Servant, or Apprentice respectively having refused to enter upon or commence his or her Service, or, having entered into such Service, having absented himself or herself before the Completion thereof, or neglecting to fulfil the same, or touching such Workman, Servant, or Apprentice respectively having been guilty of any Misconduct, Misdemeanor, or Ill-behaviour in the Execution of such Service, or respecting the same, and it is provided that in such Cases any Justice of the Peace may, upon Conviction, commit every such Servant or Apprentice to the House of Correction, there to remain and be held to Hard Labour for any reasonable Time not exceeding Three Calendar Months:

17 G. 3. c. 56. 10 G. 4. c. 52. 5 Vict. c. 7. 6 & 7 Vict. c. 40.

And whereas by the several Acts of the Seventeenth Year of King George the Third, Chapter Fifty-six, of the Tenth Year of King George the Fourth, Chapter Fifty-two, of the Fifth Year of Her present Majesty, Chapter Seventh, and of the Sixth and Seventh Years of Her said Majesty, Chapter Forty, the herein-before recited Acts were extended to other Classes of Artificers, Workmen, Servants, and Apprentices therein described, and in other respects the Provisions therein were partially altered and amended; but the herein-before recited Provisions therein respectively contained inflicting Imprisonment with Hard Labour upon Workmen, Servants, Apprentices, and others, for Breach of Contract of Service, or for Misdemeanors under the same, still remain in full Force and Effect, without allowing any Alternative by way of Fine or otherwise:

And whereas the several Provisions in the said herein-before recited Acts relating to such Breaches of Contract and Misdemeanors or Misconduct, as therein mentioned, and the present Law relating to the Determination of Complaints between Masters, Workmen, Servants, Apprentices, and others, arising under such Contracts of Service as herein-before mentioned or referred to, are found to be objectionable; and it is deemed expedient that the same should be altered, and other Provisions made for the hearing and determining of such Complaints:

Enactment.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PRELIMINARY.

Short Title.

1. This Act may be cited for all Purposes as "The Employer and employed Contract of Service Act, 1867."

Definition of Terms:

2. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be anything in the Subject or Context repugnant to such Construction; and the Terms relating to Masters, Workmen, Servants, Apprentices, and others shall have the same Definition as those used in the several Acts herein-before enumerated:

Words in the Masculine Gender shall include the Feminine, and Words in the Singular shall include the Plural. The Word "Employer" shall include any Person, Firm, Corporation, or Company, together with his or their Agent, Manager, or Factor, who has entered into a Contract of Service with any Servant, Workman, Artificer, Labourer, Apprentice, or other Person within the Meaning of the said recited Acts: "Employer."

The Word "employed" shall include any Servant, Workman, Artificer, Labourer, Apprentice, or other Person, whether under the Age of Twenty-one Years or above that Age, who has entered into a Contract of Service or Apprenticeship with any Employer within the Meaning of the said recited Acts: "Employed."

The Words "Contract of Service" shall include any Contract, whether in Writing or by Parol, to serve for any Period of Time, or to execute any Work, and any Indenture or Contract of Apprenticeship; and all the Provisions of this Act in relation thereto shall in every Case apply and be applicable alike to Employer and employed: "Contract of Service."

The Word "Complaint" shall include all Questions, Disputes, Differences, Misusage, Misdemeanors, Misconduct, and all other Offences which may have arisen or been committed under the Contract of Service or Indenture, or Contract of Apprenticeship within the Meaning of said recited Acts: "Complaint."

The Word "Parties" shall include the Employer and employed under any Contract of Service or Apprenticeship as aforesaid: "Parties."

The Word "Writing" shall include "Printing:" "Writing."

The Word "Property" shall include all Real and Personal Estate and Effects used and employed under or affected by any Contract of Service or Operations under the same: "Property."

The Word "Sheriff" shall include Sheriff Substitute. "Sheriff."

The Words "County or Place" shall include County, Riding, Division, Liberty, City, Borough, or Place: "County or Place."

The Word "Magistrate" means in England and Wales and Ireland, except in the City of London, a Stipendiary Magistrate, and in the City of London means the Lord Mayor or an Alderman sitting at the Mansion House or at the Guildhall. "Magistrate."

PART I.

BEFORE WHOM COMPLAINTS BETWEEN EMPLOYER AND EMPLOYED SHALL BE HEARD AND DETERMINED.

Complaints may be heard—

3. All Complaints which may arise between Employer and employed under any Contract of Service entered into between them shall be heard and determined—

In England, Wales, and Ireland before Two Justices or Magistrate, and in Scotland before Two Justices or Sheriff.

In England and Wales and in Ireland before any Two Justices of the Peace or before a Magistrate, and in Scotland before any Two Justices of the Peace or before the Sheriff respectively, having Jurisdiction within the County or Place where such Contract is to be executed, or the Complaint, Difference, or Dispute shall have arisen.

PART II.

THE MODE OF PROCEDURE BETWEEN EMPLOYER AND EMPLOYED FOR BREACH OR NONPERFORMANCE OR MISDEMEANOR OR MISCONDUCT IN THE EXECUTION OF THE CONTRACT OF SERVICE, AND FOR RECOVERY OF THE AMOUNT OF DAMAGES OCCASIONED THEREBY.

Complaint to be made before a Justice or Magistrate in England, Wales, and Ireland, and before a Justice or Sheriff in Scotland.

4. Wherever the Employer or employed shall neglect or refuse to fulfil any Contract of Service, or wherever any Question, Difference, or Dispute within the Meaning of the said recited Acts shall arise as to the Rights or Liabilities of either of the Parties, or touching any Misusage, Misdemeanor, Misconduct, Ill-treatment, or Injury to the Person or Property of either of the Parties under such Contract of Service, the Party feeling aggrieved may lay an Information or Complaint in Writing before any Justice, Magistrate, or Sheriff having Jurisdiction as herein-before mentioned; and every such Information or Complaint shall set forth the Grounds of Complaint, and the Amount of Compensation, Damage, or other Remedy claimed for the Breach or Nonperformance of such Contract, or for any such Misusage, Misdemeanor, Misconduct, Ill-treatment, or Injury to the Person or Property of the Party so complaining; and upon such Information or Complaint being laid before them as aforesaid, the Justice, Magistrate, or Sheriff shall issue or cause to be issued a Summons or Citation to the Party so complained against, setting out the Grounds of Complaint, and the Amount claimed for Compensation, Damage, or other Remedy, as set forth in the said Information or Complaint, and requiring such Party to appear, at the Time or Place therein appointed, before any Two or more Justices or before a

Upon Complaint made, Summons or Citation to be issued.

Magistrate in England and Wales and in Ireland, and before any Two or more Justices or before the Sheriff in Scotland, to answer the Complaint, so that the same may be then and there heard and determined: Provided always, that the Time for such Appearance and Answer shall not exceed the Period of Six Days from the Date of such Summons or Citation, and that the said Summons or Citation shall be served on or left at the usual Place of Abode or Business of the Party so complained against Three Days at the least before the Time therein appointed for the hearing of such Complaint; but if an ordinary Court of Petty Sessions shall not be held between the Service or leaving of the Summons and the Expiration of the said Period of Six Days, then the Time for such Appearance and Answer shall be the next ordinary Court of Petty Sessions: Provided also, that in case it shall appear to the said Justice, Magistrate, or Sheriff that the Party complained against is about to abscond, the said Summons or Citation shall require the said Party to appear before such Justice, Magistrate, or Sheriff within the Period of Twenty-four Hours from the Time of serving or leaving the said Summons or Citation, in order that the said Party may find good and sufficient Security for his Appearance before the Two Justices, Magistrate, or Sheriff on or before the Expiration of the said Six Days, or before the Justices assembled at the next ordinary Court of Petty Sessions to be holden after the serving or leaving of the said Summons or Citation.

Time for Appearance to and Service of Summons or Citation.

In case of Intention to abscond, Security to be found for Appearance.

5. Wherever the Party complained against shall neglect or refuse to appear to any Summons or Citation according to the Provisions of this Act, Two Justices, or the Magistrate, or Sheriff shall, after due Proof on Oath of the Service of such Summons or Citation, issue a Warrant for the Apprehension of the Party so neglecting or refusing to appear to such Summons or Citation, to be brought before him or them in order to the hearing and determining such Complaint.

On Neglect or Refusal to obey Summons or Citation, Warrant to issue for Apprehension of Parties.

6. Upon the Hearing of any Complaint under the Provisions of this Act, Two Justices, or the Magistrate, or Sheriff shall, after due Examination, and upon the Proof and Establishment of such Complaint, by an Order in Writing under their respective Hands, make an Abatement of the whole or Part of any Wages then already due to the employed, or shall direct the Fulfilment of the Contract of Service, and direct or appoint the Party complained against to find good and sufficient Security in such Amount as they or he shall think fit for the Fulfilment of such Contract, or shall annul the said Contract, and discharge the Parties from the

Compensation may be awarded under Order of Two Justices, &c. for Damages sustained by Breach or Nonperformance of Contract of Service.

the same, and at the same Time shall apportion the Amount of Wages due up to the completed Period of such Contract, or shall in such Order, where no Amount of Compensation or Damage can be assessed, or where pecuniary Compensation will not in the Opinion of the Justices, Magistrate, or Sheriff meet the Circumstances of the Case, impose a Fine upon the Party so complained against, not exceeding in Amount the Sum of Twenty Pounds, or shall assess and determine the Amount of Compensation or Damage, together with the Costs, to be made to the Party complaining, and direct the same to be paid accordingly, and if the Order shall direct the Fulfilment of the Contract, and direct or appoint the Party complained against to find good and sufficient Security as aforesaid, and if the Party complained against neglect or refuse to comply with such Order, the Two Justices, Magistrate, or Sheriff may, if they or he shall think fit, by Warrant under their respective Hands, commit the said Party to the Common Gaol or House of Correction for the County or Place wherein such Offence was committed, or such Party shall reside or be found, there to be confined and kept until he shall find such good and sufficient Security as aforesaid for the due Performance and Fulfilment of the said Contract, but nevertheless so that the Term of Imprisonment, whether under One or several successive Committals, shall not exceed in the whole the Period of Three Calendar Months: Provided always, that the Two Justices, Magistrate, or Sheriff, in addition to the annulling of the Contract of Service and Discharge of the Parties from the same, may impose the Fine as herein-before authorized, but they or he shall not under the Powers of this Act be authorized to annul, nor shall any Provisions of this Act have the Effect of annulling, any Indenture or Contract of Apprenticeship without the Consent of the Parties to the same.

In case of Disobedience of Order, a Warrant of Distraint or Poinding may be levied on the Goods and Chattels of the Party offending;

7. Wherever any Party to the Contract of Service shall neglect or refuse to comply with an Order made upon him for the Amount of Fine, Compensation, or Damage, together with the Costs, under the Provisions of this Act, the said Two Justices, Magistrate, or Sheriff may order the Party so offending as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to a Warrant of Distraint or Poinding to be issued for levying the Amount of the Fine, Compensation, or Damage, and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, Magistrate, or Sheriff for his Appearance before them or him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security, and the said Justices, Magistrate, or Sheriff may issue a Warrant of Distraint

or Poinding against the Goods and Chattels of the Party so offending, and may impound and sell or grant a Warrant of Sale of the same at any Time not exceeding Three Days from the levying of such Distraint or Poinding, in liquidation and discharge of the Amount of Fine, Compensation, or Damages so assessed, and Costs, directed to be paid by any such Order; and in case there shall be no such Goods and Chattels on the Premises of or belonging to the Party so offending, or in case the same, when sold, shall be insufficient to liquidate and discharge the Amount of such Fine, Compensation, or Damages, and Costs, the said Justices, Magistrate, or Sheriff may commit the Party against whose Goods and Chattels such Warrant of Distraint or Poinding shall have issued to the Common Gaol or House of Correction for the County or Place wherein such Offence was committed, or such Party shall reside or be found, there to be confined and kept for any Length of Time not exceeding Three Calendar Months; and from and after the Expiration of the Term of such Imprisonment the Amount of Fine, Compensation, or Damages, together with the Costs, so assessed and directed to be paid by any such Order as aforesaid, shall be deemed and considered as liquidated and discharged, and such Order shall be annulled accordingly, and the said Parties exonerated from their respective Obligations under the same: Provided always, that no Wages or any Portion thereof which may be accruing due to the employed under any Contract of Service after the Date of such Order shall be assessed to the Amount of Compensation or Damages and Costs directed to be paid by him under any such Order or Warrant of Distraint or Poinding, or be seizable or arrestable under the same.

and in case of Default, or Insufficiency of Goods and Chattels, Offender may be imprisoned for any Time not exceeding Three Calendar Months.

Wages exempt from Order, Distraint, Poinding, or Arrestment.

8. Wherever upon the hearing of any Complaint under the Provisions of this Act it shall appear to Two Justices, the Magistrate, or Sheriff that the Sale of the Goods and Chattels of the Party offending would be insufficient to liquidate and discharge the Amount of Fine, Compensation, or Damage, together with the Costs which would have been assessed and levied under any Order or Warrant of Distraint or Poinding, according to the Provisions herein-before contained, or that the levying of such Distraint or Poinding would be ruinous to the Party convicted, they or he may, if they think fit, at the Request of such Party, abstain from issuing any such Order or Warrant of Distraint or Poinding, and instead thereof may, by Warrant, commit such Party to the Common Gaol or House of Correction for the County or Place, wherein the Offence was committed, or he shall reside or be found, there to be confined and kept for any Length of Time not exceeding Three Calendar Months; and such Imprisonment shall be

In case Distraint or Poinding should be insufficient or ruinous to Party convicted, Justices, &c. may commit him to Prison.

accepted and taken in full Satisfaction and Discharge of the Amount of Fine, Compensation, or Damage, together with the Costs, which would otherwise have been assessed and levied against him, under the Provisions herein-before contained.

Parties to the Contract of Service to be competent Witnesses.

9. Upon the hearing and determining of any Complaint, between Employer and employed under the Provisions of this Act, the respective Parties to the Contract of Service, their Husbands or Wives, shall be deemed and considered as competent Witnesses for all the Purposes of this Act.

PART III.

MODE OF PROCEDURE WHERE THE BREACH OF CONTRACT OF SERVICE, MISDEMEANOR, OR MISCONDUCT IS OF AN AGGRAVATED CHARACTER.

Aggravated Acts under Breach of Contract of Service to be punished by Imprisonment with Hard Labour for any Term not exceeding Three Calendar Months.

10. Wherever, upon the hearing of any Complaint, under the Provisions of this Act, it shall appear to Two Justices, or the Magistrate, or Sheriff that the Injury inflicted upon the Person or Property of the Party complaining, or the Misconduct, Misdemeanor, or Ill-treatment complained of, has been of an aggravated Character, and has not arisen in the bonâ fide Exercise of any supposed legal Right, or that such Injury, Misconduct, Misdemeanor, or Ill-treatment cannot be remedied by pecuniary Compensation or otherwise, according to the Provisions herein-before contained, it shall and may be lawful for the said Justices, Magistrate, or Sheriff, by Warrant under their respective Hands, to commit the Party complained against to the Common Gaol or House of Correction for the County or Place in which the Offence was perpetrated or such Party shall reside or be found, there to be confined and kept, with or without Hard Labour, for any Length of Time not exceeding Three Calendar Months from the Date of such Committal: Provided also, that nothing in this Act shall interfere with the usual and accustomed Mode of Procedure in any Court of Criminal Judicature for the Trial of indictable Offences relating to wilful and malicious Injuries to Persons or Property committed by Masters, Workmen, Servants, or others, either at Common Law or under the several Statutes made and now in force for the Punishment of such Offences.

Party convicted may appeal to the next

11. Any Party convicted of an aggravated Offence by Two or more Justices or the Magistrate, under the Provisions of this Act, may appeal against the Conviction, upon finding good and sufficient

Security, in such Amount as may be determined upon by such Justices or the Magistrate, to prosecute the said Appeal at the next General Court of Quarter Sessions of the Peace to be holden in and for the County or Place wherein such Conviction shall have been made, and to abide the Result of the said Appeal according to the usual Procedure of such Court.

General Quarter Sessions of the Peace.

CLAUSE A.

Wages not to be payable during Imprisonment.

12. No Wages shall become payable to or recoverable by any Party during the Term of his Imprisonment under any Warrant of Committal under this Act.

PART IV.

REPEAL OF FORMER ACTS, AND RESERVATION OF CIVIL RIGHTS.

All prior Acts, so far as the same are inconsistent herewith, repealed.

Not to prevent Proceedings by Civil Action or Suit.

13. All the several Acts herein-before recited or enumerated shall be and the same are hereby repealed, in so far as the same are inconsistent with or repugnant to the Powers and Provisions of this Act, but not further or otherwise: Provided always, that nothing in this Act shall prevent Employer or employed from enforcing their respective Civil Rights and Remedies for any Breach or Nonperformance of the Contract of Service by any Action or Suit in the ordinary Courts of Law or Equity, but no Wages of the employed which may be accruing due from and after the Commencement of any such Action or Suit shall be attached in satisfaction of any Judgment to be recovered or pronounced therein, according to the Provisions herein-before contained.

PART V.

FORMS OF PROCEEDINGS TO BE USED IN CARRYING OUT THE PROVISIONS OF THIS ACT.

No Objection to be taken for Defect in Forms.

14. The several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed valid and sufficient in Law, and no Objection shall be taken or allowed for any alleged Defect therein, either in Substance or in Form, and in Scotland any Complaint under the Provisions of this Act, if brought before the Sheriff, may be in the Form of a summary Petition, and followed by the usual Forms of Procedure applicable to summary Petitions in the Sheriff Court; and the Forms set forth in the Schedule (Part 2.—Scotland) to this Act annexed may be used, and shall be sufficient for the Purposes thereof.

THE SCHEDULE.

PART 1.—ENGLAND, WALES, AND IRELAND.

A.

The Information.

to wit. } The Information of *A.B.* of [*describe Place of Abode and Trade*] this Day made before me [*or* "*us,*" *One or more Justices or of a Magistrate*] in and for the said [*County or Place*] against *C.D.* of [*describe Place of Abode and Trade*] for that he the said *C.D.* [*here state the Matter of the Information, and the Amount claimed for Damages, or other Remedy*].

Dated this Day of 186 .

(Signed) *A.B.*

B.

Summons on the above Information.

to wit. } To *A.B.* [*describe Place of Abode and Trade*].

Whereas Information hath this Day been made before [*the Name of One or more Justices or of a Magistrate*] in and for the said [*County or Place*] for that you [*state shortly the Matter of the Information*].

These are therefore to command you in Her Majesty's Name to be and appear on the Day of next at o'Clock in the Forenoon at before Two or more Justices of the Peace [*or* "*before me*" *in case the Summons is issued by a Magistrate*] to answer the said Information, and to be further dealt with according to Law.

Given under my Hand, this Day of 186 .

C.—*Warrant*

C.

Warrant where the Summons is disobeyed.

to wit. } To the Constable or other proper Officer of within the [*County or Place*].

Whereas on the Day of last past Information was made before [*One or more Justices or of a Magistrate*] for that *A.B.* [*state as in the Information*]: And whereas a Summons was then issued unto the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear on the Day of before Two or more Justices of the Peace [*or Magistrate*] in and for the said [*County or Place*] to answer the said Information, and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place so appointed in and by the said Summons, although it hath been proved before me that the said Summons hath been duly served upon the said *A.B.*:

These are therefore to command you forthwith to apprehend the said *A.B.*, and to bring him before some Two or more of Her Majesty's Justices of the Peace [*or Magistrate*] in and for the said [*County or Place*] to answer to the said Information, and to be further dealt with according to Law.

Given under our Hands or [*under my Hand*] this
Day of 186 .

D.

Conviction and Order for Damages to be levied by Distress, and in default of sufficient Distress the Offender to be imprisoned.

to wit. } Be it remembered, That on the Day of 186 , at [*Name of Place and County*] *A.B.* is convicted before the undersigned [*Two Justices or Magistrate*], for that he the said *A.B.* did [*state the Offence as in the Information*], and we [*or I*] adjudge the said *A.B.* for his said Offence to pay to the said *C.D.*, the Complainant, the Sum of £ as the Amount of Damage suffered by him, together with the Sum of £ for his Costs in this Behalf, *and if the said several Sums be not paid on or before the Day of [*we or I*] order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient

Distress* we [*or I*] adjudge the said *A.B.* to be imprisoned in the [*Common Gaol or House of Correction at   in the said County or Place*] for the Space of   unless the said several Sums, and all Costs and Charges of the said Distress [*and of the Commitment and conveying of the said A.B. to the said House of Correction*], shall be sooner paid.

Given under [*our or my*] Hands, the Day and Year first above mentioned.

N.B.—Where it appears that the issuing of a Warrant of Distraint would be ruinous to the Defendant, or that he has an Insufficiency or no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks **, say, "but, inasmuch as it hath been made to appear [*that the issuing a Warrant of Distress in this Behalf would be ruinous to the said A.B.,*" *or* "*that the said A.B. hath* [*an Insufficiency*] *or* [*no*] *Goods and Chattels whereon to levy the said Sums*"], we [*or I*] adjudge the said *A.B.* to be imprisoned [*in the Common Gaol or House of Correction, &c. for the Space of   *].

E.

Conviction in a Fine or Penalty, and in default of Payment by Imprisonment.

to wit. } Be it remembered, &c. [*the same Words to be used as in Form D. to the End of the Information*] we [*or I*] adjudge the said *A.B.* for his said Offence to pay a Fine or Penalty of £   , together with the Sum of £   for Costs in this Behalf, and in default of Payment we [*or I*] adjudge the said *A.B.* to be imprisoned in the [*Common Gaol or House of Correction at   , &c.*] for the Space of   unless the said Fine and Costs, together with the Expenses of the Commitment and conveying of the said *A.B.* to the said [*Common Gaol or House of Correction*], shall be sooner paid.

Given under [*our or my*] Hands, the Day and Year first above mentioned.

F.

Conviction for an aggravated Offence where the Punishment is by Imprisonment.

to wit. } Be it remembered, &c. [*the same Words to be used as in Form D. to the End of the Information*] we [*or I*] adjudge the said *A.B.* for his said Offence to be imprisoned in the [*Common Gaol or House of Correction at &c.*]* for the Space of .

Given under [*our or my*] Hands, the Day and Year first above mentioned.

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* If to be kept to Hard Labour add "and there to be kept to Hard Labour."

G.

Warrant of Distraint and Sale of Goods and Chattels for Damages and Costs.

to wit. } To the Constable or other proper Officer of within the [*County or Place*].

Whereas on the Day of last past *A.B.* was convicted before the undersigned [*Two Justices or Magistrate*], for that he the said *A.B.* did [*state the Offence as in the Information*]: And whereas the said *A.B.* was adjudged for his said Offence to pay to the said *C.D.*, the Complainant, the Sum of £ as the Amount of Damage suffered by him, together with the Sum of £ for his Costs in this Behalf, and was ordered to pay the same on or before the Day of last past: And whereas the said *A.B.* hath not complied with the said Order at the Time therein appointed for such Payment:

These are therefore to authorize and require you the said Constable, and all other the said Peace Officers, to enter into and upon the Dwelling House and Premises of the said *A.B.*, and then and there to distrain the Goods and Chattels of the said *A.B.*, and [*within the Space of Days from the Date hereof*] to sell the same, or such Portion thereof, by Public Auction, as will fully pay and satisfy the Amount of the Compensation or Damages and Costs assessed by the said Order, together with the Expenses of levying and keeping this Distraint, and of the Sale of such Goods and Chattels as aforesaid.

Given under [*our or my*] Hands, this Day of 186 .

H.

Commitment for Default in Distraint, or for Nonpayment of a Fine, or for an aggravated Offence.

to wit. } To the Constable of , and to all other Peace Officers within the [*County or Place*], and to the Keeper of the [*Common Gaol or House of Correction at aforesaid*].

Whereas on the Day of last past *A.B.* was convicted before the undersigned [*Two Justices or Magistrate*], for that he the said [*set out the Conviction and Warrant of Distraint as in Form G., and add, "And whereas the Goods and Chattels of the said A.B. so distrained and sold were insufficient to pay the said Damages and Costs, and the Expenses incident to the said Distraint and Sale," or "there were no Goods and Chattels of the said A.B. on which to levy the said Distraint." In case a Distraint would be ruinous, or there is an Insufficiency, or no Goods, state the Conviction as in Form D., and add, "But inasmuch as the issuing a Warrant of Distress would be ruinous to the said A.B.," or "Inasmuch as the said A.B. hath* [*an Insufficiency*] *or* [*no*] *Goods and Chattels whereon to levy the said Distraint." In case of a Fine set out the Conviction as in Form E., and add, "And whereas the said Fine was not paid by the said A.B. as ordered;" and in case of an aggravated Offence set out the Conviction as in Form F.*] :

These are therefore to command you to take the said *A.B.*, and him safely to convey to the [*Common Gaol or House of Correction at aforesaid*], and there to deliver him to the Keeper thereof, together with this Precept.

And [*we or I*] do hereby command you the said Keeper of the said [*Common Gaol or House of Correction*] to receive the said *A.B.* into your Custody in the said [*Common Gaol or House of Correction*], there to imprison him [*and keep him to Hard Labour*] for the Space of [*unless the said Fine or several Sums, and the Costs and Charges of conveying him to Prison, amounting to the further Sum of £ , shall be sooner paid*].

And for your so doing this shall be your sufficient Warrant.

Given under [*our or my*] Hands, this Day of 186 .

PART 2.—SCOTLAND.

Forms of Procedure before the Sheriff in Scotland.

1.

Complaint.

Under the Employer and Employed Contract of Service Act, 1867.
Unto the Sheriff.

A.B. [*describe Place of Abode and Trade*]
against
C.D. [*describe Place of Abode and Trade*].

The Complainer humbly showeth—

That the said *C.D.* [*here state the Matter of the Complaint, and the Amount claimed for Damages*].

May it therefore please your Lordship to grant Warrant to cite the said *C.D.*, Respondent, to appear before you to answer to this Complaint, and thereafter to proceed in the Matter in Terms of the said Act.

According to Justice,

A.B. [*Signature of Complainer.*]

2.

Warrant for Citation of Respondent.

The Sheriff grants Warrant to Officers of Court to serve a Copy of the foregoing Complaint and of this Deliverance upon *C.D.* Respondent, and to cite him to appear personally to answer thereto at [*Court House or Place*] upon the Day of at Noon, with Certification, and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.

[*Signature of Sheriff.*]

3.

Form of Citation.

To *C.D.* [*Designation.*]

Take notice that you are cited to appear personally at the Time and Place specified in the Warrant of Citation to answer the Complaint attached, in respect of which said Warrant is issued with Certification.

This I do on the Day of

[*Signature of Officer.*]

4.

Form of Execution of Complaint.

This Complaint served by me, Sheriff Officer, upon *C.D.*, Respondent [*state whether personally or otherwise*], in Presence of [*state Name and Designation of Witness*], this Day of Eighteen hundred and Years.

E.F., *Sheriff Officer.*

L.M., *Witness.*

Master and Servant.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Statute Law as between Master and Servant.

(Prepared and brought in by Lord Elcho, Mr. George Clive, and Mr. Algernon Egerton.)

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1867.

[Bill 240.]

Under 3 *oz.*

A

BILL

INTITULED

An Act to establish Equitable Councils of Conciliation to adjust Differences between Masters and Workmen.

Preamble.
5 G. 4. c. 96.

WHEREAS an Act was passed in the Fifth Year of the Reign of King George the Fourth, intituled "An Act to "consolidate and amend the Laws relative to Arbitration "of Disputes between Masters and Workmen:" And another Act was passed in the First Year of the Reign of Her present Majesty Queen Victoria, Chapter Sixty-seven: And another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Seventy-seven; And another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-eight, and the Three last-mentioned Acts were passed to amend the said first-recited Act: And whereas in order the better to facilitate the Settlement of Disputes between Masters and Workmen it is expedient, without repealing the said several Acts, that Masters and Workmen should be enabled, when licensed by Her Majesty, to form Equitable Councils of Conciliation or Arbitration, and that the Powers in the said Acts contained for enforcing Awards made under or by virtue of the Provisions thereof should be extended to the enforcing of Awards to be made by and under the Authority of such Equitable Councils of Conciliation: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Her Majesty or Secretary of State to license Councils of Conciliation.

1. If any Number of Masters and Workmen, in any particular Trade or Trades, Occupation, or Employment, being Inhabitant Householders or Part Occupiers of any House, Warehouse, Counting House, or other Property, within any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place, and who being a Master in such Trade shall have resided and carried on the same within any such Place for Six Calendar Months previous to the signing of such Petition, and being a Workman shall have resided for a like Period within any such Place, and shall have worked at his Trade or Calling for Seven Years previous to the signing of such Petition, shall at a Meeting specially convened for that Purpose, agree to form a Council of Conciliation and Arbitration, and shall jointly petition Her Majesty to grant them a Licence to form such Council, to hold, have, and exercise all the Powers granted to Arbitrators and Referees under the before-recited Acts, and in such Petition for the same shall set forth the Number of the Council, and also the Names, Occupation, and Residence of the Petitioners, and the Manner in which the Expenses of the said Council and of the Registry herein-after directed are to be provided for, it shall then be lawful for Her Majesty, or Her Majesty's Principal Secretary of State for the Home Department, to grant such Licence, provided Notice of such Petition has been published One Month before the Application for such Licence in the London Gazette, and in One or more of the Local Newspapers of the Place whence such Petition emanates: Provided always, that it shall be lawful for any Masters and Workmen in any particular Trade or Trades, Occupation, or Employment as aforesaid, within the Limits of the Application of the Metropolitan Local Management Act, or within any Two or more Boroughs or Districts of the Metropolis, to associate themselves for the Purposes of this Act, and with such Licence as aforesaid to form Councils as aforesaid, as if they resided within any One Borough or District.

Councils to consist of not less than 2 Masters and 2 Workmen, or more than 10 Masters and 10 Workmen, and Chairman.

2. The said Council shall consist of not less than Two Masters and Two Workmen, nor more than Ten Masters and Ten Workmen, and a Chairman; the Number to constitute the said Council to be inserted in the Licence; but no Member of the Council shall adjudicate in any Case in which he or any Relation of his is Plaintiff or Defendant.

Petitioners for Council

3. For the Purposes of this Act, the Persons whose Names, Occupations, and Abodes are attached to the Petition praying for a

Licence shall and they are hereby authorized to proceed to the Appointment of a Council of Conciliation and Arbitration from among themselves, within Thirty Days after such Grant of Licence; and the said Council shall remain in Office until the Appointment of a new Council in its Stead.

to elect First Council.

Powers, &c. of Councils.

4. The Council shall have Power to appoint their own Chairman, Clerk, or such other Officer or Officers as they may deem requisite, and shall have Power to hear and determine all Questions of Dispute and Difference between Masters and Workmen, as set forth in the before-recited Act of the Fifth Year of King George the Fourth, Chapter Ninety-six, which may be submitted to them by both Parties, and shall have, hold, and exercise all the Powers and Authority granted to Arbitrators and Referees by and under the various Enactments and Provisions of the Acts before recited; and any Award the said Equitable Councils of Conciliation and Arbitration may make in any Case of Dispute or Difference submitted to them under the before-recited Act or Acts, or under this Act, shall be final and conclusive between the Parties to such Arbitration, without being subject to Review or Challenge by any Court or Authority whatsoever; and the said Council are hereby further authorized to adjudicate upon and determine any other Case of Dispute or Difference submitted to them by the mutual Consent of Master and Workman or Masters and Workmen, and the same Proceedings of Distress, Sale, and Imprisonment as are provided by the said recited Acts or any of them shall be had towards enforcing every such Award (by Application to any Justice of the Peace of the County, Stewartry, Riding, Division, Barony, City, Town, Burgh, or Place within which the Parties shall reside,) as are by the said recited Acts or any of them prescribed for enforcing Awards made under or by virtue of the Provisions of them or any of them; but nothing in this Act contained shall authorize the said Council to establish a Rate of Wages or Price of Labour or Workmanship at which the Workman shall in future be paid.

Quorum to form Council; Committee of Conciliation to be appointed by Council.

5. A Quorum of not less than Three (One being a Master and another a Workman, and the Third the Chairman) may constitute a Council for the Hearing and Adjudication of Cases of Dispute, and may accordingly make their Award; but a Committee of Council, to be denominated the Committee of Conciliation, shall be appointed by the Council, consisting of One Master and One Workman, who shall sit at such Times as shall be appointed, and be renewed from Time to Time as occasion shall require; and all Cases or Questions of Dispute which shall be submitted to the Council by both Parties shall in the first instance be referred to the said Committee of

Conciliation, who shall endeavour to reconcile the Parties in difference; when such Reconciliation shall not be effected, the Matter in dispute shall be remitted to the Council to be disposed of as a contested Matter in the regular Course.

Chairman to preside at Meetings of Council, and to have Casting Vote.

6. The Chairman of the Council, who shall be some Person unconnected with Trade, shall preside at their Meetings, and shall be appointed at their First Meeting after obtaining such Licence as aforesaid; when the Votes of the Council shall be equal, the Chairman for the Time being is to have the Casting Vote.

Counsel, &c. not to attend Hearing.

7. No Counsel, Solicitors, or Attornies to be allowed to attend on any Hearing before the Council or the Committee of Conciliation.

Council to be elected for One Year.

Case of Vacancy, &c.

8. On the First Monday in November in the Year next after the First Appointment of the Council, and on the First Monday in November in each succeeding Year, a Council and Chairman shall be appointed, who shall remain in Office until the Appointment of a new Council; and in case of Vacancies arising betwixt the fixed Days of Election in each Year, caused by the Death or Removal of any Member of the Council or of the Chairman, an Election shall take place within Fourteen Days, and another Member be elected to fill up the said Vacancy from the Class to which he may belong, or a Chairman be appointed, as the Case may be, and the Member or Chairman so elected shall serve the Remainder of the Year.

Householders and Part Occupiers may demand to be registered, and have a Vote for the Council, and may be elected thereto.

9. For the Purposes of this Act, each Person being Twenty-one Years of Age, belonging to the Trade, having a Licence for a Council, and being an Inhabitant Householder or Part Occupier of any House, Warehouse, Counting House, or other Property, who being a Master in such Trade, has resided and carried on the same within the Limits of any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place, wherever an Equitable Council of Conciliation and Arbitration is formed, for the Space of Six Calendar Months previous to the Ninth Day of November in any One Year, and being a Workman has resided for a like Period within the same Limits and has worked at his Trade or Calling Seven Years previous to the Ninth Day of November in any One Year, shall be entitled to be registered as a Voter for the Election of the Council, and shall be qualified to be elected a Member of such Council; but the Masters shall appoint their own Portion of the Council, and the Workmen elect their Portion of the Council.

Register of Voters to be kept.

10. The Clerk of each Division of the Council shall keep a Register of every Person claiming to have his Name inscribed on the Register as a Voter for the Council, whether Master or Workman (but distinct from each other), the said Register to contain the Name, Occupation, and Abode of each Person engaged in the particular Trade or Occupation as set forth in the Licence granting the Formation of the Council; and the said Clerk shall, upon Payment of a Registration Fee being made to him, register the same immediately, or be liable to be fined for Neglect, the said Fine to be applied to the Funds of the said Council, and the Council is hereby empowered to fix and determine the Amount of such Fee and Fine respectively: Provided, that in case it shall appear to the Council that any Person ought not to be so registered, the Council shall strike the Name of such Person off such Register.

Meetings of Masters and Workmen to elect the Council.

11. The Clerk of the Council shall, for the Purposes of this Act, be the Returning Officer; he shall convene Meetings of Masters and Meetings of Workmen, by Advertisement, Fourteen clear Days previous to the First Day of November; and each Class shall at such Meetings proceed to nominate and elect Members to the Council for the Year next ensuing; the Votes to be taken by Show of Hands or Division of Numbers, and in such Place as the Council may authorize; and the Clerk shall declare to the said Meeting the Names of the Candidates who are elected, and the same shall be final and conclusive, unless a Poll is demanded at the Time the Declaration is made; but either Party may demand a Poll of those only whose Names are registered in the Books of the Council.

Voting Papers to be delivered in case a Poll is demanded.

12. A Poll being demanded by Six Registered Voters, the Council shall appoint Time and Place for that Purpose, where each Voter shall be entitled to record his Vote.

Election to be declared within Seven Days of Nomination.

13. The Clerk shall, within Seven Days after the Day of Nomination, in case of a Poll being demanded, declare the Number of Votes given to each Candidate, and those having received the largest Number of Votes shall be declared duly elected.

Appointment of Clerk.

14. The Council shall also appoint a Clerk, who shall continue in Office until a new Appointment shall be made in his Stead, and who shall keep a Record of all their Proceedings, and do and perform such other Duties as this Act may authorize or the said Council may require.

Place of Meeting.

15. The Council may hold their Sittings in any public Room used for conducting public Business, with the Permission of the Authority having the Power to grant such Permission.

To make List of Fees, Byelaws, &c.

16. Every Council elected under this Act shall, from Time to Time, make out a List of Fees which shall be charged for any Proceeding and other Expenses under this Act, and shall appoint such Officers as may be necessary, and make such Byelaws, Rules, and Regulations for their Guidance, and for the taking and Scrutiny of the Votes given for the Election of Members of the Council, and also for the Despatch of Business, as they may deem necessary; such Byelaws, Rules, Regulations, and Fees not to be legal and binding in Law, unless and until they shall be sanctioned by the Secretary of State for the Home Department.

5 G. 4. c. 96., &c. to remain in full Force.

17. The Acts before recited shall remain in full Force and Effect as though this Act had not been passed: This Act shall not be construed to extend to Domestic Servants or Servants in Husbandry.

Citation of Act.

18. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Councils of Conciliation Act, 1867."

Commencement of Act.

19. This Act shall commence on the Second Day of July One thousand eight hundred and sixty-seven.

SCHEDULE OF FORMS.

Form of Summons of a Witness to be issued by Chairman.

County of
or Borough of } To the of the Equitable Council of Conciliation and Arbitration.

Whereas it appeareth to me *A.B.*, Chairman of the said Equitable Council of Conciliation and Arbitration held at , that *G.H.* of in the Borough [*or* County, *as the Case may be*,] is a material Witness to be examined concerning the Dispute between *C.D.* of and *E.F.* of under the Act [*here set forth the Title of the Act*]: These therefore are to require you forthwith to summon the said *G.H.* to appear before the said Equitable Council of Conciliation and Arbitration, held at the at the Hour of in the noon of the Day of 18 , so that the said Dispute may be adjudicated upon and settled forthwith according to Law; and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand this Day of
in the Year of our Lord

(Signed) *A.B.*,
Chairman of the Equitable Council of
Conciliation and Arbitration.

Form of Award.

We *I.K.* and *L.M.* [*name and describe the Arbitrators*], the Arbitrators in the Matters in dispute between [*here state the Names of Plaintiff and Defendant to the Reference*], do hereby adjudge and determine that [*here set forth the Determination, to which the Chairman and Arbitrators shall subscribe their Names*].

Signed this Day of 18 .

Form of Endorsement extending the Time limited for making the Award.

We , Members of the Equitable Council of Conciliation and Arbitration, do hereby agree to extend the Time of hearing or making an Award, as the Case may be, in the Matter in dispute between of and of to the Day of .

Witness our Hands, this Day of 18 .

Form of Acknowledgment of Fulfilment of the Award.

I , Chairman of the Equitable Council of Conciliation and Arbitration, do hereby acknowledge that the Award in the Matter of Dispute between of and of hath been duly fulfilled by who is hereby discharged of the same.

Witness my Hand, this Day of .

A.B., Chairman.

Form of Acknowledgment of Fulfilment of the Award.

I , Chairman of the Equitable Council of Conciliation and Arbitration, do hereby acknowledge that the Award in the Matter of Dispute between of and of to the Day of .

Witness my Hand, this Day of 18 .

A.B., Chairman.

Form of Oath to be administered by the Arbitrators to the Parties and Witnesses under this Act.

The Evidence that you shall give before this Equitable Council of Conciliation and Arbitration between and under and by virtue of this Act [*here state the Title of this Act*], shall be the Truth, the whole Truth, and nothing but the Truth.

So help you GOD.

FORM OF COMMITMENT OF A PERSON SUMMONED AS A WITNESS BEFORE THE ARBITRATORS.

WHEREAS Proof on Oath hath been made before me, One of Her Majesty's Justices of the Peace for the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of on this Day of that *A.B.* hath been duly summoned, and hath neglected to appear and give Evidence before the Equitable Council of Conciliation and Arbitration for the in the Matters of Dispute between *C.D.* and *E.F.*, at in the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of on the Day of , under and by virtue of an Act made in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act" [*here set forth the Title of this Act*]; and the said *A.B.* being required to appear and give Evidence before the said Arbitrators, and still refusing so to do; therefore I, the said Justice, do hereby, in pursuance of the said Act, commit the said *A.B.* to the [*describing the Prison and the House of Correction*], there to remain without Bail or Mainprise, for his [*or* her] Offence aforesaid, until he [*or* she] shall submit himself [*or* herself] to be examined and give his [*or* her] Evidence before the said Arbitrators touching the Matters referred to them, or shall otherwise be discharged by due Course of Law: And you the [*Constable or other Peace Officer or Officers to whom the Warrant is directed*] are hereby authorized and required to take into your Custody the Body of the said *A.B.*, and him [*or* her] safely convey to the said Prison [*or* House of Correction], and him [*or* her] there to deliver to the Gaoler [*or* Keeper] thereof, who is hereby authorized and required to receive into his Custody the Body of the said *A.B.*, and him [*or* her] safely to detain and keep, pursuant to this Commitment.

Given under my Hand, this Day of in the Year of our Lord .

(This Commitment to be directed to the proper Peace Officer and the Gaoler [*or* Keeper] of the Prison [*or* House of Correction].)

FORM OF WARRANT OF DISTRESS.

To the Constable of .

WHEREAS of under an Award made by on the Day of in the Year of our Lord pursuant to an Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], is liable to pay to of the Sum of , and also the Sum of ; and the said having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making of such Award: These are therefore to command you to levy the said Sum of by Distress and Sale of the Goods and Chattels of the said ; and I do hereby order and direct the Goods and Chattels so to be distrained to be sold and disposed of within Days, unless the Sum of for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, shall be sooner paid; and you are hereby also commanded to certify to me what you shall do by virtue of this my Warrant.

Given under my Hand and Seal at the
Day of .

FORM OF THE CONSTABLE'S RETURN TO THE WARRANT OF DISTRESS.

I , Constable of , do hereby certify to Justice of the Peace that I have made diligent Search for but do not know of nor can find any Goods and Chattels of by Distress and Sale whereof I may levy the Sum of pursuant to his Warrant for that Purpose, dated the Day of in the Year of our Lord .

Given under my Hand, this Day of
the Year of our Lord .

FORM OF COMMITMENT THEREUPON TO THE HOUSE OF CORRECTION.

[*Here name the County.*] To the Constable of and also to the Keeper of the House of Correction at .

WHEREAS of under an Award made by on the Day of in the Year of our Lord pursuant to an Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], became liable to pay to the Sum of and also the Sum of for Costs, Time, and Expenses, making together the Sum of , and having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making of such Award, my Warrant was, according to the Provisions of the said Act, duly made and issued for the levying the said Sum of by Distress and Sale of the Goods and Chattels of the said :

And whereas it appears by the Return of Constable of dated the Day of that he hath made diligent Search for but doth not know of nor can find any Goods and Chattels of the said by Distress and Sale whereof the said Sum of may be levied, pursuant to my said Warrant: These are therefore to command you, the said Constable of to apprehend the said and convey him to the said House of Correction at aforesaid, and deliver him there to the Keeper of the said House of Correction; and these are also to command you, the Keeper of the said House of Correction, to receive him the said into the said House of Correction, and there keep him, without Bail or Mainprise, for the Space of Months, unless the said Sum of so ordered to be paid as aforesaid, shall be sooner satisfied, with all reasonable Expenses.

Given under my Hand and Seal at .
the Day of .

FORM OF COMMITMENT WHERE THE WARRANT OF DISTRESS IS WITHHELD.

[*Here name the County.*] To the Constable of and also to the Keeper of the House of Correction at .

WHEREAS of under an Award made by on the Day of in the Year of our Lord , pursuant to an Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], became liable to pay to the Sum of and also the Sum of for Costs, Time, and Expenses, making together the Sum of , which he has refused or neglected to pay for the Space of Two Days and upwards subsequent to the making of such Award: And whereas it appears to me that the Recovery of such Sum and Warrant of Distress and Sale of the Goods and Chattels of the said will be attended with Consequences ruinous or in an especial Manner injurious to the Defaulter [and his Family, *if any*], and I therefore have determined to withhold such Warrant, and to commit the said to Prison, pursuant to the said Act: These are therefore to command you, the said Constable of to apprehend the said , and convey him to the House of Correction at aforesaid, and to deliver him there to the Keeper of the said House of Correction; and these are also to command you, the Keeper of the said House of Correction, to receive him the said into the said House of Correction, and there keep him, without Bail or Mainprise, for the Space of Months, unless the said Sum of so ordered to be paid as aforesaid, shall be sooner satisfied, with all reasonable Expenses.

Given under my Hand and Seal at the
Day of .

Masters and Workmen. [H.L.]

A

BILL

INTITULED

An Act to establish Equitable Councils of Conciliation to adjust Differences between Masters and Workmen.

(Brought from the Lords 5 March 1867.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1867.

[Bill 77.]

Under 2 oz.

A

B I L L

FOR

The better and more effectually securing the Use of certain Royal Parks and Gardens for the Enjoyment and Recreation of Her Majesty's Subjects.

Preamble.

WHEREAS it is expedient to provide for the better and more effectually securing the Use of certain Royal Parks and Gardens for the Enjoyment and Recreation of Her Majesty's Subjects:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Application of Act.

1. This Act shall apply to all the Royal Parks, Gardens, and Possessions the Management of which is vested in the Commissioners of Her Majesty's Works and Public Buildings, and which are situate within the Limits of the Metropolis.

Definition of Metropolis.

2. The Metropolis shall mean the Area for the Time being subject to the Jurisdiction of the Metropolitan Board of Works.

Prohibition of Public Meetings in the Parks.

3. No Meeting of a public Character shall take place or be held without the Permission of Her Majesty, Her Heirs and Successors, in any of the Parks, Gardens, and Possessions to which this Act applies.

Penalty for convening, &c. such Public Meetings.

4. Any Person convening, or aiding or assisting in convening, any Meeting to be held in contravention of this Act (whether such Meeting shall be actually held or not), and any Person knowingly joining or taking part in any such Meeting, contrary to the Provisions of this Act, shall be liable to be forthwith arrested, without further Warrant or Authority, and to be summarily convicted before any Magistrate sitting in any Police Court within the Metropolis, and shall, on such Conviction, either be liable to a Penalty not exceeding *Ten Pounds*, or, in the Discretion of the Magistrate, may be imprisoned for any Term not exceeding *One Calendar Month.*

Saving Prerogative of the Crown.

5. Nothing in this Act contained shall be deemed to prejudice or affect any Prerogative or other Right of Her Majesty, Her Heirs or Successors, in respect of the said Parks, Gardens, and Possessions.

Short Title of Act.

6. This Act may be cited for all Purposes as "The Meetings in Royal Parks Act, 1867."

Meetings in Royal Parks.

A

BILL

For the better and more effectually securing the Use of certain Royal Parks and Gardens for the Enjoyment and Recreation of Her Majesty's Subjects.

(Prepared and brought in by
Mr. Secretary Walpole, Lord John Manners,
and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
3 *May* 1867.

[Bill 134.]

Under 1 *oz.*

7

Merchant Shipping Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short Title and Commencement of Act.
2. 17 & 18 Vict. c. 104. ss. 224, 226, and 231 repealed.
3. Lime or Lemon Juice and other Anti-scorbutics to be provided and kept on board certain Ships.
4. Board of Trade may appoint Inspectors of Medicines, who are to see that Ships are properly provided.
5. Licences for Manufacture of Anti-scorbutics, &c.
6. Inspection abroad.
7. Seaman's Expenses in Illness, where the Owner is in default.
8. Forfeiture of Wages, &c.
9. Place appropriated to Seamen to have a certain Space for each Man, and to be properly constructed and kept clear.
10. Rules for Medical Inspection of Seamen.
11. Survey of Ships alleged by Seamen to be unseaworthy.
12. Rules for preventing Change of Names of registered Ships.
13. Offences by British Subjects on Foreign Ships.
14. Harbour Masters may be commissioned as Justices.

A

B I L L

INTITULED

An Act to amend The Merchant Shipping Act, 1854.

[Note.—*The Words printed in Red Ink are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title and Commencement of Act.

1. This Act may be cited as The Merchant Shipping Act, 1867, and shall be construed with and as Part of The Merchant Shipping Act, 1854, herein-after termed the Principal Act. This Act shall come into operation on the First Day of January One thousand eight hundred and sixty-eight.

17 & 18 Vict. c. 104. ss. 224, 226, and 231 repealed.

2. The Two hundred and twenty-fourth, Two hundred and twenty-sixth, and Two hundred and thirty-first Sections of the Principal Act are hereby repealed.

Lime or Lemon Juice and other Anti-scorbutics to be provided and kept on board certain Ships.

3. The following Rules shall be observed with respect to Medicines, Medical Stores, and Anti-scorbutics; (that is to say,)

(1.) The Board of Trade shall from Time to Time issue and cause to be published Scales of Medicines and Medical Stores suitable for different Ships and Voyages, and shall also prepare or sanction a Book or Books containing Instructions for dispensing the same:

(2.) The Owners of every Ship navigating between the United Kingdom and any Place out of the same shall provide and cause to be constantly kept on board such Ship a Supply of Medicines and Medical Stores in accordance with the Scale appropriate to the said Ship, and also a Copy of the said Book or of One of the said Books containing Instructions:

(3.) No Lime or Lemon Juice shall be deemed fit and proper to be taken on board any Ship, for the Use of the Crew or Passengers thereof, unless the same shall have been obtained from a Bonded Warehouse for and to be shipped as Stores; and no Lime or Lemon Juice shall be so obtained or delivered from any Warehouse as aforesaid unless the same shall have been brought to and deposited therein by some Manufacturer of Lime or Lemon Juice for Ship's Use, licensed in manner herein-after provided, nor until Fifteen per Cent. of Proof Spirits, or such other Quantity as Her Majesty shall, by Order in Council, from Time to Time direct, shall have been added thereto, in the Presence of the proper Officer of Customs; nor until every Cork, Bung, or other Stopper of every Cask, Bottle, or Vessel in which the same is to be delivered as Ship's Stores shall have been secured by a Label, approved by the Board of Trade, pasted over the same:

Provided always, that no such Spirit shall be added until the proper Officer has been furnished with a Certificate under the Hand of the proper Medical Inspector acting under this Act that such Lime Juice is fit and proper for Use on board such Ship, in which Case, on the Application of the licensed Manufacturer thereof, the requisite Quantity of Spirit may be added, without Payment of any Duty thereon; and when any Spirit shall have been added to any Lime or Lemon Juice, and the same shall have been labelled as aforesaid, it shall be deposited in the Warehouse for Delivery as Ship's Stores only, upon such Terms and subject to such Regulations of the Commissioners of Customs as are applicable to the Delivery of Ship's Stores from the Warehouse:

(4.) The Master or Owner of every Foreign-going Ship (except those bound to European Ports or to Ports in the Mediterranean Sea, and also except such Ships or Classes of Ships bound to Ports on the Eastern Coast of America North of the Thirty-fifth Degree of North Latitude, and to any Islands or Places in the Atlantic Ocean North of the same Limit, as the Board of Trade may from Time to Time exempt from this Enactment,) shall provide and cause to be kept on board such Ship a sufficient Quantity of Lime or Lemon Juice from the Warehouse duly labelled as aforesaid, such Labels to remain intact until Twenty-four Hours at least after such Ship shall have left her Port of Departure on her Foreign Voyage, and also a sufficient Quantity of such other Anti-scorbutics, if any, of such Quality, and composed of such Materials, and packed and kept in such Vessels or Cases, and in such Manner, and supplied and procured from such Persons or Warehouses, as Her Majesty by Order in Council may from Time to Time direct:

(5.) The Master of every such Ship as last aforesaid shall serve out the Lime or Lemon Juice with Sugar (such Sugar to be in addition to any Sugar required by the Articles) and other such Anti-scorbutics as aforesaid to the Crew so soon as they have been at Sea for Ten Days, and during the Remainder of the Voyage, except during such Time as they are in Harbour and are there supplied with fresh Provisions; the Lime or Lemon Juice and Sugar to be served out daily at the Rate of an Ounce each per Day to each Member of the Crew, and to be mixed with a due Proportion of Water before being served out, and the other Anti-scorbutics, if any, at such Times and in such Quantities as Her Majesty by Order in Council may from Time to Time direct:

(6.) If at any Time when such Lime or Lemon Juice or Anti-scorbutics is or are so served out as aforesaid any Seaman or Apprentice refuses or neglects to take the same, such Neglect or Refusal shall be entered in the Official Log Book in the Manner provided by the Two hundred and eighty-first Section of the Principal Act, and shall be signed by the Master and by the Mates or some other of the Crew, and also by the Surgeon or Medical Practitioner on board, if any:

And if in any such Ship as aforesaid such Medicines, Medical Stores, Book of Instructions, Lime or Lemon Juice, Sugar, or Anti-scorbutics as are herein-before required are not provided, packed, and kept on board as herein-before required, the Owner shall be deemed to be in fault, and shall for each Default incur a Penalty not exceeding Twenty Pounds, unless he can prove that the Non-compliance with the above Provisions, or any of them, was not caused through any Inattention, Neglect, or wilful Default on his Part; and if after any such Inspection, as herein-after provided for, any of the said Articles are removed before the Ship proceeds to Sea, the Owners shall be liable to a Penalty not exceeding One hundred Pounds; and if the Lime or Lemon Juice and Sugar or other Anti-scorbutics are not served out in the Case and Manner herein-before directed, or if Entry is not made in the Official Log in the Case and Manner herein-before required, the Master shall be deemed to be in fault, and shall for each Default incur a Penalty not exceeding Twenty Pounds, unless he can prove that the Non-compliance with the above Provisions, or any of them, did not arise through any Neglect, Omission, or wilful Default on his Part; and if in any Case it is proved that some Person other than the Master or Owner is in default in any Case under this Section, then such other Person shall be liable to a Penalty not exceeding Twenty Pounds.

Board of Trade may appoint Inspectors of Medicines, who are to see that Ships are properly provided.

4. The following Rules shall be observed with respect to the Inspection of Medicines, Medical Stores, and Anti-scorbutics; that is to say,

(1.) The Board of Trade may from Time to Time appoint and remove Medical Inspectors of Ships, and of Medicines and Medical Stores for the Use of Ships, and of Manufactories of Lime or Lemon Juice, or Stores for the Sale thereof, in or for any Port or Ports in the United Kingdom, and may fix and alter their Remuneration, such Remuneration to be paid out of the Mercantile Marine Fund:

(2.) Such Inspectors may inspect the Medicines, Medical Stores, Lime or Lemon Juice, or other Anti-scorbutics which by this Act or by the Principal Act are required to be kept on board any Ships, either in any Ship or in any Manufactory, Store, or Shop in which the same are kept for Sale, and the Weights and Measures so required to be kept for determining the Quantities thereof served out:

(3.) Such Medical Inspectors shall for the Purposes of such Inspection have the same Powers as the Inspectors appointed by the Board of Trade under the First Part of the Principal Act:

(4.) Such Inspectors shall also have Power to condemn any such Articles, Weights or Measures as aforesaid, as they find to be of bad Quality, or placed in improper Vessels or Cases, or imperfect, and may order the same and the Vessels or Cases in which they are placed to be destroyed, and they shall be destroyed to their Satisfaction accordingly, under a Penalty for Default in each Case not exceeding Twenty Pounds:

(5.) Every such Inspector, if required by timely Notice in Writing from the Master, Owner, or Consignee of any

Ship, shall make his Inspection on board such Ship Three Days at least before the Ship proceeds to Sea, and if the Result of the Inspection is satisfactory shall not again make Inspection before the Commencement of the Voyage, unless he has Reason to suspect that some of the Articles inspected have been subsequently removed, injured, or destroyed:

(6.) Whenever any such Medical Inspector is of opinion that in any Ship such Articles as aforesaid or any of them are deficient in Quantity or Quality, or are placed in improper Vessels or Cases, or such Weights and Measures as aforesaid are imperfect, he shall signify the same in Writing to the Chief Officer of Customs of the Port where such Ship is lying, and also to the Master thereof, and thereupon the Master of such Ship, before proceeding to Sea, shall produce to such Chief Officer of Customs a Certificate under the Hand of such Medical Inspector, or of some other Medical Inspector, to the Effect that such Deficiency has been supplied or remedied, or that such improper Vessels or Cases have been replaced by proper Vessels or Cases, or that proper Weights and Measures have been supplied, as the Case may require; and such Chief Officer of Customs shall not grant a Clearance for such Ship without the Production of such Certificate, and if such Ship attempts to go to Sea without a Clearance may detain her until such Certificate is produced; and if such Ship proceeds to Sea without the Production of such Certificate, the Master thereof shall incur a Penalty not exceeding Twenty Pounds; and the Owner, if he appears to be in fault, shall also incur a like Penalty.

Licences for Manufacture of Anti-scorbutics, &c.

5. The Board of Trade may grant Licences to Persons to manufacture Lime or Lemon Juice or other Anti-scorbutics for Ships Use, and may also license Persons who sell Medicines or Medical Stores to supply the same for the Use of Ships, such Licences to be in force for One Year from the Date thereof, or for such shorter Time as the Board of Trade may direct, and the said Board may withdraw and from Time to Time renew such Licences; and any Person who manufactures, sells, or supplies any Medicines, Medical Stores, Lime or Lemon Juice, or Anti-scorbutics for the Use of any Ship without such Licence as aforesaid, or who buys any Medicines or Medical Stores for the Use of any Ship without first being satisfied that the Person from whom he buys them is for the Time being in possession of a Licence granted by the Board of Trade, or who manufactures, sells, or keeps or offers for Sale any such Medicines, Medical Stores, Lime or Lemon Juice, or Anti-scorbutics, which are of bad Quality, or improperly packed, shall for each such Offence incur a Penalty not exceeding Twenty Pounds.

Inspection abroad.

6. In any British Possession out of the United Kingdom the Governor or Officer administering the Government for the Time being, and in any Foreign Port the Consular Officer, or, if there is no Consular Officer, the Senior Naval Officer on Full Pay there, shall have all the Powers with respect to the Inspection and Sale of Medicines, Medical Stores, Lime and Lemon Juice, and Anti-scorbutics, and Weights and Measures, which are hereby given to the Board of Trade.

Seaman's Expenses in Illness, where the Owner is in default.

7. Whenever it is shown that any Seaman or Apprentice who is ill has not been provided with proper Food according to his Agreement, or with good and sufficient Water, or with such Accommodation, Medicines, Medical Stores, or Anti-scorbutics as are required by the Principal Act or by this Act, then, unless it can be shown that the Illness has been produced by other Causes, the Owner or Master shall be liable to pay all Expenses properly and necessarily incurred by reason of such Illness, either by such Seaman himself, or by Her Majesty's Government, or any Officer of Her Majesty's Government, or by any Parochial or other Local Authority on his Behalf, and such Expenses may be recovered in the same Way as if they were Wages duly earned.

Forfeiture of Wages, &c.

8. Where a Seaman is by reason of Illness incapable of performing his Duty, and it is proved that such Illness has been caused by his own wilful Act or Default, he shall not be entitled to Wages for the Time during which he is by reason of such Illness incapable of performing his Duty.

Place appropriated to Seamen to have a certain Space for each Man, and to be properly constructed and kept clear.

9. The following Rules shall be observed with respect to Accommodation on board British Ships; (that is to say,)

(1.) Every Place in any Ship occupied by Seamen or Apprentices, and appropriated to their Use, shall have for every such Seaman or Apprentice a Space of not less than Seventy-two Cubic Feet, and of not less than Twelve Superficial Feet, measured on the Deck or Floor of such Place:

(2.) Every such Place shall be of such a Shape as to give proper Accommodation to the Men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from Weather and Sea, and as far as practicable properly shut off and protected from

Effluvium which may be caused by Cargo or Bilge Water:

(3.) No such Place as aforesaid shall be deemed to be such as is required by this Act unless there is or are in the Ship One or more properly constructed Watercloset or Waterclosets or Privy or Privies for the Use of the Crew; such Watercloset or Waterclosets or Privy or Privies to be of such Number and of such Construction as may be approved by the Surveyor herein-after mentioned:

(4.) Every such Place shall, whenever the Ship is registered or re-registered, be inspected by One of the Surveyors appointed by the Board of Trade under Part IV. of the Principal Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a Certificate to that Effect, and thereupon such Space shall be deducted from the Register Tonnage:

(5.) There shall be permanently cut in a Beam and cut in or painted on or over the Doorway or Hatchway of every such Place the Number of Men which it is constructed to accommodate, with the Words "Certified to accommodate Seamen":

(6.) Every such Place shall be kept free from Stores or Goods of any kind, not being the personal Property of the Crew in use during the Voyage:

(7.) Upon any Complaint concerning any such Place as aforesaid, One of the Surveyors appointed by the Board of Trade may inspect such Place, and if he finds that any of the Provisions of this Act with respect to the same are not complied with he shall report the same to the Collector of Customs at the Port where the Ship is registered, and thereupon the registered Tonnage shall be altered, and the Deduction aforesaid in respect of Space disallowed, unless and until it shall be certified by such Surveyor, or by some other Surveyor appointed by the Board of Trade, that the Provisions of the Act in respect of such Place are fully complied with:

(8.) If any such Place in any Ship is not kept free from Goods and Stores as aforesaid, the Master shall be deemed to be in fault, and shall for every such Failure to comply with the Provisions of this Section forfeit and pay to each Seaman lodged in such Place the Sum of One Shilling a Day for each Day during which any Goods or Stores, not being the personal Property of the Crew, are stored or kept therein:

(9.) If in any other respect the Provisions of this Section are not observed with respect to any such Place in any Ship the Owner

Owner shall be deemed to be in fault, and shall for every Failure to comply with the Provisions of this Section incur a Penalty not exceeding Twenty Pounds.

Rules for Medical Inspection of Seamen.

10. The following Rules shall be observed with respect to the Medical Inspection of Seamen; that is to say,

(1.) At any Port where there is a Local Marine Board the Local Marine Board, and at other Ports in the United Kingdom the Board of Trade, may appoint a Medical Inspector of Seamen:

(2.) Such Medical Inspector of Seamen shall, on Application by the Owner or Master of any Ship, examine any Seaman applying for Employment in such Ship, and consenting to such Examination, and shall give to the Superintendent of the Mercantile Office a Report under his Hand stating whether such Seaman is in a fit State for Duty at Sea, and a Copy of such Report shall be given to the Master or Owner of the Ship:

(3.) The Master or Owner applying for such Inspection shall pay to the Superintendent such Fees as the Board of Trade direct, and such Fees shall be paid into and form Part of the Mercantile Marine Fund:

(4.) The said Medical Inspectors shall be remunerated for their Services as the Board of Trade may direct, and such Remuneration shall be paid out of the Mercantile Marine Fund:

(5.) In British Possessions out of the United Kingdom the Governor or other Officer administering the Government for the Time being shall have the Power of appointing Medical Inspectors of Seamen, of charging Fees for Inspections, when applied for, and of determining the Remuneration to be paid to such Inspectors.

Survey of Ships alleged by Seamen to be unseaworthy.

11. Whenever in any legal Proceeding before any Justice or Justices between the Master or Owner of any Ship on the one hand and any Seaman or Apprentice belonging to such Ship on the other it is alleged that such Ship is by reason of unseaworthiness, overloading, improper loading, defective Equipment, or for any other Reason not in a fit Condition to proceed to Sea, the Justice or Justices may, and, if required by either Party, shall, call upon One of the Surveyors of the Board of Trade to survey such Ship or to answer any Question concerning her which the Justice or Justices may think fit to put to him; and if there is no such Surveyor at or near the Place the Justice or Justices shall apply to the Board of Trade, and the Board of Trade shall thereupon direct

One of their Surveyors to proceed to the Place; and in every such Case the Surveyor so called upon or directed shall survey the said Ship and shall make his Report in Writing to the Justice or Justices, and such Report shall be communicated to the Parties by the Clerk to the Justices and shall be received as Evidence in the said Proceeding, and shall be accepted as primâ facie Evidence of the Facts therein stated; and the Justice or Justices shall determine the Question before them in accordance with the Opinions expressed in such Report, unless it is proved to his or their Satisfaction that such Opinions are ill-founded; and every such Surveyor shall for the Purpose of the said Survey have the Powers given to Inspectors by the First Part of the Principal Act, and shall be paid such Sum for Expenses, if any, as the said Justice or Justices may direct; and such Expenses shall be Costs in the Proceeding, and be paid by such of the Parties as the Justice or Justices may direct, and be accounted for by the Surveyor in such Manner as the Board of Trade may direct.

Rules for preventing Change of Names of registered Ships.

12. The following Rules shall be observed with respect to the Names of British registered Ships, in addition to the Rules contained in Section Thirty-four of the Principal Act:

1. No registering Officer shall register any Ship which, having once been registered, has ceased to be so registered, except in the Name by which she was originally registered:
2. The Declarations mentioned in the Thirty-eighth and Thirty-ninth Sections of the said Act shall contain, in addition to the Statements thereby required, a Statement of the Name of the Ship:
3. If in any Case it is shown to the Satisfaction of the Commissioners of Customs that any Ship has changed her Name, it shall be lawful for them to direct that she shall be registered in the Name she bore before such Change, and the Name shall be altered accordingly.

Offences by British Subjects on Foreign Ships.

13. If any British Subject being on board any Foreign Ship, and not belonging to such Ship, commits any Crime or Offence, and is afterwards found within the Jurisdiction of any Court of Justice in Her Majesty's Dominions that would have had Cognizance of such Crime or Offence if committed within the Limits of its ordinary Jurisdiction, such Court shall have Jurisdiction to hear and determine the Case as if such Crime or Offence had been committed within such Limits.

Harbour Masters may be commissioned as Justices.

14. The Harbour Master for the Time being of any Harbour which is under the Management or Superintendence of the Board of Trade, in the event of its seeming meet to Her Majesty to assign to him Her Majesty's Commission to act as a Justice of the Peace within the Limits within which he is empowered to act in Harbour Matters, shall, during the Continuance of such Assignment and of his Tenure of the Office of Harbour Master, execute within such Limits the Duties of a Justice of the Peace, notwithstanding he may not be qualified by Estate to be a Justice of the Peace for a County, and shall have within such Limits the same Power and Jurisdiction as a Stipendiary Magistrate has by Act of Parliament when sitting at a Police Court or other Place appointed in that Behalf.

Merchant Shipping.

[H.L.]

A

BILL

INTITULED

An Act to amend The Merchant Shipping Act, 1854.

(Brought from the Lords 22 July 1867.)

Ordered, by The House of Commons, *to be Printed,* 24 *July* 1867.

[Bill 274.]

Under 2 oz.

Merchant Shipping Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short Title.
2. Commencement of Act.
3. 17 & 18 Vict. c. 104. ss. 224, 226, and 231 repealed.
4. Lime or Lemon Juice and other Anti-scorbutics to be provided and kept on board certain Ships.
5. Penalty for selling, &c. Medicines, &c. of bad Quality.
6. Inspection abroad.
7. Seaman's Expenses in Illness, where the Owner is in default.
8. Forfeiture of Wages, &c.
9. Place appropriated to Seamen to have a certain Space for each Man, and to be properly constructed and kept clear.
10. Rules for Medical Inspection of Seamen.
11. Offences by British Subjects on Foreign Ships.
12. Harbour Masters may be commissioned as Justices.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend The Merchant Shipping Act, 1854.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Merchant Shipping Act, 1867, and shall be construed with and as Part of The Merchant Shipping Act, 1854, herein-after termed the Principal Act.

Short Title.

2. This Act shall come into operation on the First Day of January One thousand eight hundred and sixty-eight, but shall not apply to any Ship which belongs to the United Kingdom and is absent therefrom at the Time of the passing of this Act until such Ship has returned to the United Kingdom.

Commencement of Act.

3. The Two hundred and twenty-fourth, Two hundred and twenty-seventh, and Two hundred and thirty-first Sections of the Principal Act are hereby repealed.

17 & 18 Vict. c. 104. ss. 224, 226, and 231 repealed.

4. The following Rules shall be observed with respect to Medicines, Medical Stores, and Anti-scorbutics; (that is to say,)

Lime or Lemon Juice and other Anti-scorbutics to be provided

(1.) The Board of Trade shall from Time to Time issue and cause to be published Scales of Medicines and Medical Stores suitable and kept on board certain Ships.

suitable for different Ships and Voyages, and shall also prepare or sanction a Book or Books containing Instructions for dispensing the same:

(2.) The Owners of every Ship navigating between the United Kingdom and any Place out of the same shall provide and cause to be constantly kept on board such Ship a Supply of Medicines and Medical Stores in accordance with the Scale appropriate to the said Ship, and also a Copy of the said Book or of One of the said Books containing Instructions:

(3.) No Lime or Lemon Juice shall be deemed fit and proper to be taken on board any such Ship, for the Use of the Crew or Passengers thereof, unless the same has been obtained from a Bonded Warehouse for and to be shipped as Stores; and no Lime or Lemon Juice shall be so obtained or delivered from any Warehouse as aforesaid unless the same is shown, by a Certificate under the Hand of a Medical Inspector acting under this Act, to be proper for Use on board Ship, such Certificate to be given upon Inspection of a Sample after Deposit of the said Lime or Lemon Juice in the Warehouse; nor unless the same contains Fifteen per Centum of proper and palatable Proof Spirits, to be approved by such Inspector, or by the proper Officer of Customs, and to be added before or immediately after the Inspection thereof; nor unless the same is packed in such Bottles, at such Time and in such Manner, and so labelled in such Manner as the Commissioners of Customs may direct; provided that when any such Lime or Lemon Juice is deposited in any Bonded Warehouse, and has been approved as aforesaid by the said Medical Inspector, the said Spirits, or so much of the said Spirits as is necessary to make up Fifteen per Centum may be added in such Warehouse, without Payment of any Duty thereon; and when any Spirit has been added to any Lime or Lemon Juice, and the same has been labelled as aforesaid, it shall be deposited in the Warehouse for Delivery as Ship's Stores only, upon such Terms and subject to such Regulations of the Commissioners of Customs as are applicable to the Delivery of Ship's Stores from the Warehouse:

(4.) The Master or Owner of every such Foreign-going Ship (except those bound to European Ports or to Ports in the Mediterranean Sea, and also except such Ships or Classes of Ships bound to Ports on the Eastern Coast of America North of the Thirty-fifth Degree of North Latitude, and to any Islands or Places in the Atlantic Ocean North of the same Limit, as the Board of Trade may from Time to Time exempt from this Enactment,) shall provide and cause to be kept on board such Ship a sufficient Quantity of Lime or Lemon Juice from the Warehouse duly labelled as aforesaid, such Labels to remain intact until Twenty-four Hours at least after such Ship shall have left her Port of Departure on her Foreign Voyage, and also a sufficient Quantity of such other Anti-scorbutics, if any, of such Quality, and composed of such Materials, and packed and kept in such Manner, as Her Majesty by Order in Council may from Time to Time direct:

(5.) The Master of every such Ship as last aforesaid shall serve or cause to be served out the Lime or Lemon Juice with Sugar (such Sugar to be in addition to any Sugar required by the Articles) and other such Anti-scorbutics as aforesaid to the Crew so soon as they have been at Sea for Ten Days, and during the Remainder of the Voyage, except during such Time as they are in Harbour and are there supplied with fresh Provisions; the Lime or Lemon Juice and Sugar to be served out daily at the Rate of an Ounce each per Day to each Member of the Crew, and to be mixed with a due Proportion of Water before being served out, and the other Anti-scorbutics, if any, at such Times and in such Quantities as Her Majesty by Order in Council may from Time to Time direct:

(6.) If at any Time when such Lime or Lemon Juice or Anti-scorbutics is or are so served out as aforesaid any Seaman or Apprentice refuses or neglects to take the same, such Neglect or Refusal shall be entered in the Official Log Book in the Manner provided by the Two hundred and eighty-first Section of the Principal Act, and shall be signed by the Master and by the Mates or some other of the Crew, and also by the Surgeon or Medical Practitioner on board, if any:

And if in any such Ship as aforesaid such Medicines, Medical Stores, Book of Instructions, Lime or Lemon Juice, Sugar, or Anti-scorbutics as are herein-before required are not provided, packed, and kept on board as herein-before required, the Owner shall be deemed to be in fault, and shall for each Default incur a Penalty not exceeding Twenty Pounds, unless he can prove that the Non-compliance with the above Provisions, or any of them, was not caused through any Inattention, Neglect, or wilful Default on his Part; and if the Lime or Lemon Juice and Sugar or other Anti-scorbutics are not served out in the Case and Manner herein-before directed, or if Entry is not made in the Official

Log in the Case and Manner herein-before required, the Master shall be deemed to be in fault, and shall for each Default incur a Penalty not exceeding Twenty Pounds, unless he can prove that the Non-compliance with the above Provisions, or any of them, did not arise through any Neglect, Omission, or wilful Default on his Part; and if in any Case it is proved that some Person other than the Master or Owner is in default in any Case under this Section, then such other Person shall be liable to a Penalty not exceeding Twenty Pounds.

Penalty for selling, &c. Medicines, &c. of bad Quality.

5. Any Person who manufactures, sells, or keeps or offers for Sale any such Medicines or Medical Stores, Lime or Lemon Juice, or Anti-scorbutics as aforesaid, which are of bad Quality, shall for each such Offence incur a Penalty not exceeding Twenty Pounds.

Inspection abroad.

6. In any British Possession out of the United Kingdom the Governor or Officer administering the Government for the Time being shall, subject to the Laws of such Possession, have Power to make Regulations concerning the Supply within such Possession of Lime or Lemon Juice and Anti-scorbutics for the Use of Ships; and any Lime or Lemon Juice or Anti-scorbutics duly supplied in accordance with any such Regulations shall be deemed to be fit and proper for the Use of Ships.

Seaman's Expenses in Illness, where the Owner is in default.

7. Whenever it is shown that any Seaman or Apprentice, who is ill, has, through the Neglect of the Master or Owner, not been provided with proper Food and Water according to his Agreement, or with such Accommodation, Medicines, Medical Stores, or Anti-scorbutics as are required by the Principal Act or by this Act, then, unless it can be shown that the Illness has been produced by other Causes, the Owner or Master shall be liable to pay all Expenses properly and necessarily incurred by reason of such Illness (not exceeding in the whole Three Months Wages), either by such Seaman himself, or by Her Majesty's Government, or any Officer of Her Majesty's Government, or by any Parochial or other Local Authority on his Behalf, and such Expenses may be recovered in the same Way as if they were Wages duly earned: Provided, that this Enactment shall not operate so as to affect the Liability of any such Owner or Master for such Neglect, or any Remedy which any Seaman already possesses.

Forfeiture of Wages, &c.

8. Where a Seaman is by reason of Illness incapable of performing his Duty, and it is proved that such Illness has been caused by his own wilful Act or Default, he shall not be entitled to Wages for the Time during which he is by reason of such Illness incapable of performing his Duty.

9. The following Rules shall be observed with respect to Accommodation on board British Ships; (that is to say,)

Place appropriated to Seamen to have a certain Space for each Man, and to be properly constructed and kept clear.

(1.) Every Place in any Ship occupied by Seamen or Apprentices, and appropriated to their Use, shall have for every such Seaman or Apprentice a Space of not less than Seventy-two Cubic Feet, and of not less than Twelve Superficial Feet, measured on the Deck or Floor of such Place:

(2.) Every such Place shall be such as to give proper Accommodation to the Men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from Weather and Sea, and as far as practicable properly shut off and protected from Effluvium which may be caused by Cargo or Bilge Water:

(3.) No such Place as aforesaid shall be deemed to be such as to authorize a Deduction from Registered Tonnage, under the Provisions herein-after contained, unless there is or are in the Ship One or more properly constructed Privy or Privies for the Use of the Crew; such Privy or Privies to be of such Number and of such Construction as may be approved by the Surveyor herein-after mentioned:

(4.) Every such Place shall, whenever the Ship is registered or re-registered, be inspected by One of the Surveyors appointed by the Board of Trade under Part IV. of the Principal Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a Certificate to that Effect, and thereupon such Space shall be deducted from the Register Tonnage:

(5.) No such Deduction from Tonnage as aforesaid shall be authorized unless there is permanently cut in a Beam and cut in or painted on or over the Doorway or Hatchway of every such Place the Number of Men which it is constructed to accommodate, with the Words "Certified to accommodate   Seamen":

(6.) Every such Place shall be kept free from Stores or Goods of any kind, not being the personal Property of the Crew in use during the Voyage:

(7.) Upon any Complaint concerning any such Place as aforesaid, One of the Surveyors appointed by the Board of Trade may inspect such Place, and if he finds that any of the Provisions of this Act with respect to the same are not complied with he shall report the same to the Collector of Customs at the Port where the Ship is registered, and thereupon the registered Tonnage shall be altered, and the Deduction aforesaid in respect of Space disallowed, unless and until it shall be certified by such Surveyor, or by some other Surveyor appointed by the Board of Trade, that the Provisions of the Act in respect of such Place are fully complied with:

(8.) If any such Place in any Ship is not kept free from Goods and Stores as aforesaid, the Master shall be deemed to be in fault, and shall for every such Failure to comply with the Provisions of this Section forfeit and pay to each Seaman lodged in such Place the Sum of One Shilling a Day for each Day after Complaint made to him by any such Seaman during which any Goods or Stores, not being the personal Property of the Crew, are stored or kept therein:

(9.) If in any other respect the Provisions of this Section are not observed with respect to any such Place in any Ship the Owner shall be deemed to be in fault, and shall for every Failure to comply with the Provisions of this Section incur a Penalty not exceeding Twenty Pounds.

Rules for Medical Inspection of Seamen.

10. The following Rules shall be observed with respect to the Medical Inspection of Seamen; that is to say,

(1.) At any Port where there is a Local Marine Board the Local Marine Board, and at other Ports in the United Kingdom the Board of Trade, may appoint a Medical Inspector of Seamen:

(2.) Such Medical Inspector of Seamen shall, on Application by the Owner or Master of any Ship, examine any Seaman applying for Employment in such Ship, and shall give to the Superintendent of the Mercantile Office a Report under his Hand stating whether such Seaman is in a fit State for Duty at Sea, and a Copy of such Report shall be given to the Master or Owner of the Ship:

(3.) The Master or Owner applying for such Inspection shall pay to the Superintendent such Fees as the Board of Trade direct, and such Fees shall be paid into and form Part of the Mercantile Marine Fund:

(4.) The said Medical Inspectors shall be remunerated for their Services as the Board of Trade may direct, and such Remuneration shall be paid out of the Mercantile Marine Fund:

(5.) In British Possessions out of the United Kingdom the Governor or other Officer administering the Government for the Time being shall have the Power of appointing Medical Inspectors of Seamen, of charging Fees for Inspections, when applied for, and of determining the Remuneration to be paid to such Inspectors.

Offences by British Subjects on Foreign Ships.

11. If any British Subject commits any Crime or Offence on board any British Ship, or on board any Foreign Ship to which he does not belong, any Court of Justice in Her Majesty's Dominions, which would have had Cognizance of such Crime or Offence if committed on board a British Ship within the Limits of its ordinary Jurisdiction, shall have Jurisdiction to hear and determine the Case as if the said Crime or Offence had been committed as last aforesaid.

Harbour Masters may be commissioned as Justices.

12. The Harbour Master for the Time being of the Harbour of Holyhead, in the event of its seeming meet to Her Majesty to assign to him Her Majesty's Commission to act as a Justice of the Peace within the Limits within which he is empowered to act in Harbour Matters, shall, during the Continuance of such Assignment and of his Tenure of the Office of Harbour Master, execute within such Limits the Duties of a Justice of the Peace, notwithstanding he may not be qualified by Estate to be a Justice of the Peace for a County, and shall have within such Limits the same Power and Jurisdiction as a Stipendiary Magistrate has by Act of Parliament when sitting at a Police Court or other Place appointed in that Behalf.

Merchant Shipping.
[H.L.]

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend The Merchant Shipping Act, 1854.

(*Brought from the Lords* 22 *July* 1867.)

Ordered, by The House of Commons, *to be Printed,*
5 *August* 1867.

[Bill 299.]

Under 2 *oz.*

Metropolis Gas Bill.

ARRANGEMENT OF CLAUSES.

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2. Interpretation and Construction.
3. Application of Provisions respecting Metropolitan Board and Commissioners of Sewers.
4. Repeal as in Schedule.

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6. Quorum, &c. of Board.
7. Certificates of Board.

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8. Mode and Times of testing illuminating Power.
9. Description of Burner and Candles.
10. Substitution of Carcel Lamp.

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12. Access to Works.
13. Certificate of Maximum and Time.
14. Mode and Times of testing Purity.
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17. Control, &c. of Testing Places.
18. Separate Testing Place for Company.
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20. Appointment of Chief Gas Examiner.
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23. Illuminating Power for Day.
24. Representation of Company.
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27. Where no Appeal, Report of Examiner final.

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29. Reduction of Price according to Impurity.

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47. Remuneration and Expenses of Gas Board, &c.
48. Remuneration and Expenses of Gas Examiners.

Purchase of Undertakings.

49. Power for Purchase of Undertakings of Companies.
50. Payment of Consideration by Board or Commissioners.

Saving.

51. Provision for General Acts.

Costs.

52. Expenses of Act.
SCHEDULES.

A

B I L L

TO

Amend The Metropolis Gas Act, 1860, and to make further Provision for regulating the Supply of Gas to the Metropolis; and for other Purposes connected therewith.

Preamble.

WHEREAS it is expedient that such Provisions as are in this Act expressed be made for amending The Metropolis Gas Act, 1860, (in this Act referred to as the Act of 1860,) and for further regulating the Supply of Gas to the Metropolis, and for other Purposes connected therewith:

May it therefore please Your Majesty,

That it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Titles.

1. This Act may be cited as The Metropolis Gas Act, 1867, and this Act and the Act of 1860 may be cited together as The Metropolis Gas Acts, 1860 and 1867.

Interpretation and Construction.

2. In this Act—

The Term "the City" means the City of London and the Liberties thereof;

The Term "the Commissioners of Sewers" means the Commissioners of Sewers of the City;

The Term "Local Authority" includes the Commissioners of Sewers;

The Terms "Companies" and "Company" mean the Companies subject to the Act of 1860, and each of them;

The Term "Half Year" means a Half Year reckoned from the *First* Day of *January* and *First* Day of *July* in each Year;

The Term "Quarter" means a Quarter of a Year reckoned from the *First* Day of *January*, *First* Day of *April*, *First* Day of *July*, and *First* Day of *October* in each Year;

The Term "Day" means (except in this Section) *Twenty-four Hours* reckoned from *Nine* o'Clock in the Forenoon of One Day to *Nine* o'Clock in the Forenoon of the next following Day, so much of each Day as is before *Nine* o'Clock in the Forenoon being reckoned as Part of the immediately preceding Day of the Month or Week;

and this Act shall be read as One with the Act of 1860.

Application of Provisions respecting Metropolitan Board and Commissioners of Sewers.

3. Where under this Act anything is required or authorized to be done by or in relation to the Metropolitan Board of Works and the Commissioners of Sewers, or those Bodies disjunctively, the same shall be deemed to be required or authorized to be done by or in relation to the Metropolitan Board of Works for all Purposes connected with the Supply of Gas to the Metropolis exclusive of the City, and by or in relation to the Commissioners of Sewers for all Purposes connected with the Supply of Gas to the City.

Repeal as in Schedule.

4. Such Parts of the Act of 1860 as are described in the First Schedule to this Act are hereby repealed.

Metropolitan Gas Board.

Constitution of Metropolitan Gas Board.

5. There shall be a Board, called the Metropolitan Gas Board, consisting of *Three* competent and impartial Persons of scientific Knowledge and Experience in relation to the Manufacture and Supply of Gas, who shall be from Time to Time appointed by and shall be removeable by the President of the Board of Trade.

Quorum, &c. of Board.

6. *Two* Members of the Metropolitan Gas Board (in this Act referred to as the Gas Board) shall be a Quorum thereof, and at least *Two* Members thereof shall concur in every Act or Determination of the Board.

Certificates of Board.

7. A Copy of each Certificate of the Gas Board required by this Act shall be sent by them to the Metropolitan Board of Works and the Commissioners of Sewers, and to each of the Companies.

Illuminating

Illuminating Power.

8. The Gas Board shall, subject to the Provisions of this Act, from Time to Time prescribe and certify the Mode to be adopted for testing and recording the illuminating Power of Gas supplied by the Companies, and the Times of testing.

Mode and Times of testing illuminating Power.

9. Until the Gas Board otherwise prescribe and certify, there shall be used for the Purpose of testing illuminating Power,—

Description of Burner and Candles.

1. The Burner described in the Second Schedule to this Act (a Specimen of which Burner the Board of Trade shall, on the passing of this Act, cause to be deposited with the Warden of the Standards);
2. Sperm Candles of *Six* to the Pound, each burning at the Rate of *One hundred and twenty* Grains per Hour, manufactured in manner from Time to Time prescribed by the Gas Board and from Materials obtained as the Gas Board from Time to Time direct (Candles of which Description are intended where Candles are mentioned in the subsequent Provisions of this Act.)

10. If at any Time the Gas Board prescribe and certify that a Carcel Lamp be substituted for Candles, then a Carcel Lamp, constructed as the Gas Board from Time to Time direct, and consuming Colza Oil at the Rate of *Six hundred and forty-eight* Grains per Hour, shall be deemed equivalent to *Nine* Candles.

Substitution of Carcel Lamp.

Purity.

11. The Gas Board shall with all practicable Speed after their Appointment, and from Time to Time thereafter, inspect the Works of the Companies, and investigate the Processes of Manufacture carried on therein, with the view of ascertaining the Means adopted therein for purifying Gas and for preventing Nuisance, and may from Time to Time apply all such Tests as they think expedient, at the Works of the Companies or elsewhere, for ascertaining the Amount of Sulphur and Ammonia and of Compounds thereof or other Impurity with which Gas supplied by them is charged.

Examination of Gasworks by Board.

12. The Companies shall give to the Gas Board, and each Member thereof, and to their Clerks, Servants, and Workmen, Access to the Works of the Companies, and shall, when required, afford to them and him all Facilities for the proper Execution of their and his Duty.

Access to Works.

13. The Gas Board shall from Time to Time prescribe and certify the maximum Amount of Impurity in each Form with which Gas supplied

Certificate of Maximum and Time.

supplied by the Companies shall be allowed to be charged, and the Time from which the Allowance thereof shall be enforced as against each Company, regard being had to the Necessity for any Alteration of Works by a Company consequent on any such Certificate.

Mode and Times of testing Purity.

14. The Gas Board shall from Time to Time prescribe and certify the Mode to be adopted for testing and recording the Purity of Gas supplied by the Companies, and the Times of testing.

Freedom from Sulphuretted Hydrogen.

15. Gas supplied by the Companies shall be wholly free from Sulphuretted Hydrogen, and nothing in this Act shall authorize the Gas Board to allow of Gas being charged with any Amount of Impurity in that Form.

Testing.

Provision of Testing Places and Apparatus.

16. The Gas Board shall from Time to Time prescribe and certify what Testing Places and what Apparatus therein for testing the Purity and illuminating Power of Gas shall be provided by each Company, every such Place being not less than *One thousand Yards* distant from the Station from which the Gas to be tested at it is supplied, and each Company shall provide and maintain such Testing Places and Apparatus accordingly.

Control, &c. of Testing Places.

17. The Testing Places and Apparatus provided by the Companies shall be under the Control and Management of the Metropolitan Board of Works or the Commissioners of Sewers.

Separate Testing Place for Company.

18. The Company providing a Testing Place may also have a separate Testing Place in the same Building under their own Control and Management.

Appointment of Gas Examiner.

19. The Metropolitan Board of Works and the Commissioners of Sewers shall as soon as may be after the *passing of this Act* appoint, and shall always keep appointed, at least One competent and impartial Person to be the Gas Examiner at each Testing Place.

Appointment of Chief Gas Examiner.

20. There shall be a Chief Gas Examiner, being a competent and impartial Person, from Time to Time appointed by and removeable by the President of the Board of Trade.

Daily testing.

21. The Gas Examiner at each Testing Place shall test daily the illuminating Power and Purity of Gas supplied by the Company.

Testings for illuminating Power.

22. The Testings of illuminating Power shall be made *Three* Times at least each Day between the Hours of *Five* o'Clock and *Ten* o'Clock in the Afternoon in the Months of *October* to *March*, both inclusive, and between the Hours of *Eight* o'Clock and *Eleven* o'Clock in the Afternoon in the Months of *April* to *September*, both inclusive; and nothing in this Act shall authorize the Gas Board to prescribe fewer Testings than those directed by this Section.

Illuminating Power for Day.

23. The average of all the Testings of illuminating Power prescribed by the Gas Board on each Day shall be deemed to represent the illuminating Power on that Day.

Representation of Company.

24. The Company may, if they think fit, on each Occasion of the testing of the Gas by the Gas Examiner be represented by some Officer, but such Officer shall not interfere in the testing.

Daily Reports, and Access to Books.

25. The Gas Examiner shall on each Day make and deliver a Report of the Result of the Testings conducted by him on the immediately preceding Day to the Metropolitan Board of Works or the Commissioners of Sewers, and to the Chief Gas Examiner, and a Copy of each such Report shall, not later than the following Day, be furnished by the Metropolitan Board of Works or the Commissioners of Sewers to the Company; and the Books kept by the Gas Examiner for recording the Results of the Testings by him shall be open at all reasonable Times to the Inspection of the Company without Payment.

Appeal to Chief Gas Examiner.

26. If the Company think themselves aggrieved by any Report of the Gas Examiner, they may, within *Seven* Days after the Day to which the Report relates, appeal to the Chief Gas Examiner, whose Decision shall be final and conclusive, and the Chief Gas Examiner shall report every such Decision to the Metropolitan Board of Works and the Commissioners of Sewers.

Where no Appeal, Report of Examiner final.

27. If in any Case the Company do not appeal as aforesaid the Report of the Gas Examiner shall be final and conclusive.

Price of Gas.

Maximum Price according to illuminating Power.

28. The maximum Price per *One Thousand* Cubic Feet chargeable by a Company for Gas shall vary according to illuminating Power, as follows:

For Gas of illuminating Power equal to that of *Fourteen* but not equal to that of *Fifteen* Candles the maximum Price shall be *Three Shillings and Sixpence;*

For every Increase in illuminating Power equal to that of One Candle or more the Price of *Three Shillings and Sixpence* may be increased by *Threepence* per Candle; and

For every Reduction in illuminating Power equal to that of One Candle or more the Price of *Three Shillings and Sixpence* shall be reduced by *Threepence* per Candle:

which Scale is in this Act referred to as the prescribed Scale of illuminating Power and Price.

Reduction of Price according to Impurity.

29. The maximum Price chargeable by a Company for Gas, according to the prescribed Scale of illuminating Power and Price, shall be reduced according to the Amount of Impurity with which it is charged, as follows:

If on any *Three* successive Days at any Time, or on any *Twenty* or more Days in any Period of *Sixty* successive Days, the Amount of Impurity in any Form has exceeded to any Extent the Maximum allowed for that Form, or the Gas has been charged with any Amount of Sulphuretted Hydrogen, the Price charged for the Quarter in which the last of those successive Days occurs shall be less per *One thousand* Cubic Feet than the Maximum chargeable, by a Sum of not less than - - - - *One Penny:*

If in any such Case the Amount of Impurity in any Form has exceeded the Maximum allowed for that Form to the Extent of *One Third* thereof, the Price charged for that Quarter shall be less per *One thousand* Cubic Feet than the Maximum chargeable, by a Sum of not less than - - - - - - *Twopence:*

If in any such Case the Amount of Impurity in any Form has exceeded the Maximum allowed for that Form to the Extent of *One Half* thereof, the Price charged for that Quarter shall be less per *One thousand* Cubic Feet than the Maximum chargeable, by a Sum of not less than - - - - - - *Threepence:*

and, notwithstanding anything in this Act, the Price chargeable, after the Reductions directed by this Section have been made, shall be deemed the maximum Price chargeable according to the prescribed Scale of illuminating Power and Price.

Reports of Chief Gas Examiner.

Quarterly Report of Chief Gas Examiner.

30. Not more than *Three* Days after the End of each Quarter the Chief Gas Examiner shall make a Report to the Metropolitan Board of Works and the Commissioners of Sewers on the Results of the daily Testings made in that Quarter in connexion with each

Station of each Company, and shall state therein with respect to Gas supplied by each Company from each Station in that Quarter—

1. The illuminating Power on each Day:
2. The highest and lowest illuminating Power for the Quarter:
3. What is to be taken (as between the Company and their Customers) as the illuminating Power for the Quarter, being the lowest illuminating Power on any *Fourteen* Days in the Quarter:
4. The Amount of Impurity in each Form on each Day:
5. The maximum Price chargeable for the Quarter.

Communication of Quarterly Report.

31. A Copy of each Quarterly Report of the Chief Gas Examiner shall within *Two Days* after the Receipt thereof by the Metropolitan Board of Works or the Commissioners of Sewers be furnished by them to the Company.

Payments for Gas.

Quarterly Payments.

32. Gas Rents shall be payable at the Expiration of *Seven* Days after the End of each Quarter.

Statement of Quality and Price.

33. On each Application by the Company to any Customer of the Company for Gas Rent the Company shall deliver to him in Writing or Print, or partly in Writing and partly in Print, a true Statement of the illuminating Power of the Gas supplied by them to him for the then last Quarter, and the maximum Price chargeable for the same, and the actual Price charged, otherwise the Gas Rent applied for shall not be recoverable.

Dividends.

Rate of Dividend.

34. Each Company may pay a Dividend for each Half Year in proportion to the illuminating Power of the Gas supplied by them in the Quarters comprised in that Half Year, and to the Price charged by them for the same, as follows:

For each Half Year in any Part of which the Price charged is the maximum Price chargeable according to the prescribed Scale of illuminating Power and Price, a Dividend may be paid at a Rate not exceeding *Seven* per Centum per Annum:

For each Half Year throughout which the Price charged is less by *One Penny* per *One thousand* Cubic Feet than the maximum Price chargeable according to that Scale, and so in respect of each further Reduction of Price by *One Penny* per *One thousand* Cubic Feet below the maximum Price chargeable according to that Scale, a Dividend may be paid at a Rate (in addition to the Dividend at the Rate of *Seven* per Centum per Annum) not exceeding - - *One Half* per Centum per Annum: Provided always, that where the illuminating Power is less than that of *Twelve* Candles there shall be no increase of Dividend for any Reduction of Price below the maximum Price chargeable according to the prescribed Scale of illuminating Power and Price.

Accounts.

Auditor of Accounts.

35. There shall be an Auditor of the Accounts of the Companies, being a competent and impartial Person, from Time to Time appointed by and removeable by the Board of Trade.

Ascertainment of Capital of Companies.

36. The Auditor shall with all practicable Speed after the *passing of this Act* investigate the Accounts of the Companies, and ascertain and certify the Amounts of their Capitals, distinguishing Share from Loan Capital.

Form of Books and Accounts.

37. The Auditor shall from Time to Time prescribe a uniform Form of Books and Accounts to be kept by the Companies.

Periodical Audit.

38. The Auditor shall half-yearly audit the Accounts of the Companies, and if he finds the same correct he shall certify the same respectively, but if in any instance he finds the Accounts incorrect in principle or in detail he shall require the Company to correct the same in such Manner as he thinks right.

Facilities for Auditor.

39. Each Company shall give to the Auditor, his Clerks and Assistants, Access to the Books and Documents of the Company, and shall, when required, furnish to him and them all Vouchers and Information requisite for the Purposes of the Audit, and shall afford to him and them all Facilities for the proper Execution of his and their Duty.

Arbitration between Auditor and Company.

40. If any Company think themselves aggrieved by any Act or Determination of the Auditor, the Matter in difference shall be referred to the Determination of an Arbitrator agreed on between the Company and the Auditor, or, in default of Agreement, appointed, on the Application of either Party, by the Lord Chief Justice of the Court of Common Pleas; and the Reference shall be subject and according to the Provisions of The Common Law Procedure Act, 1854; and the Decision of the Arbitrator shall be final and conclusive; and subject to this Provision the Companies shall observe and abide by the Directions and Determinations of the Auditor.

Miscellaneous Amendments.

Pressure of Gas.

41. All Gas supplied by a Company to a private Customer shall be supplied at such Pressure as to balance a Column of Water *One Inch* in Height at the Exit of the Meter in the Customer's House, Building, or Lands supplied.

Governors for Street Lamps.

42. A Company supplying Gas to public Lamps, or the Local Authority, may at their own Expense cause to be affixed to each Lamp the Instrument known as a Street Lamp Governor, and the Local Authority or the Company (as the Case requires) shall be entitled to have Access thereto for the Purpose of examining the same; and in case any Dispute arises between the Company and the Local Authority with reference to the affixing, Operation, or Inspection of Governors, the same shall be referred to the Determination of the Chief Gas Examiner, whose Decision shall be final and conclusive.

Limit of Charge for Gas supplied to public Lamps.

43. A Company shall not charge a higher Price per *One Thousand* Cubic Feet for Gas supplied to any Local Authority than the lowest Price per *One Thousand* Cubic Feet charged by them at the same Time to any other Local Authority, or to any private Customer.

Settlement of Differences by Arbitration.

44. Section Thirty-eight of the Act of 1860 shall be read as if The Lands Clauses Consolidation Act, 1845, were therein mentioned instead of The Companies Clauses Consolidation Act, 1845.

Map of Mains to show Diameter.

45. Each Gas Company shall cause to be marked in Figures on the Map which they are required to keep by Section Forty-two of the Act of 1860 the Diameter in Inches of all their Mains or District Mains laid under public Streets and Roads.

Deposit in case of Dispute.

46. Where a Dispute arises between a Company and One of their Customers respecting any Payment to be made to the Company, if the Customer deposits with the Company, by way of Security, the Amount claimed by them, it shall not be lawful for the Company to discontinue a Supply of Gas to the Customer by reason of the Dispute.

Expenses of Execution of Act.

Remuneration and Expenses of Gas Board, &c.

47. The Remuneration of the Members of the Gas Board, and of the Chief Gas Examiner, and of the Auditor, shall be such as the Board of Trade from Time to Time direct, and the same and all Expenses properly incurred by the Gas Board and the Chief Gas Examiner and the Auditor in or about the Execution of their Duties shall be paid by the Companies, and shall be from Time to Time apportioned by the Board of Trade among the Companies in proportion to the nominal Amount of their Share Capitals, and the Amount so apportioned to each Company shall be paid by the Company, on Demand, to such Fund or Account, and in such Manner, as the Board of Trade from Time to Time direct, and shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly, with Costs.

Remuneration and Expenses of Gas Examiners.

48. The Remuneration of the Gas Examiners and all Expenses incurred by them in executing their Duties shall be paid by the Metropolitan Board of Works or the Commissioners of Sewers, as Part of the Expenses of the Execution of the Acts relating to those Bodies.

Purchase of Undertakings.

Power for Purchase of Undertakings of Companies.

49. The Metropolitan Board of Works or the Commissioners of Sewers may, from Time to Time, enter into and execute such Agreement as they think fit for the Purchase by the Metropolitan Board of Works or the Commissioners of Sewers of the Undertaking of any Company.

Payment of Consideration by Board or Commissioners.

50. The Consideration to be paid by the Metropolitan Board of Works or the Commissioners of Sewers on any such Purchase shall be deemed Part of the Expenses of the Board or Commissioners to be defrayed, assessed, and raised by them as in the Acts relating to those Bodies provided, and shall be raised by them accordingly, and for that Purpose they respectively shall have and may exercise all such Powers and Authorities as are vested in them respectively under those Acts or any of them with reference to the borrowing of Money on the Security of Rates, or to any Matter connected therewith.

Saving.

Provision for General Acts.

51. Nothing in this Act shall exempt the Companies from the Provisions of any General Act relating to Gas Companies or to Metropolitan Gas Companies to be passed in this or any future Session of Parliament, or from any Revision and Alteration, under the Authority of Parliament, of the maximum Prices and Dividends authorized by this Act.

Costs.

Expenses of Act.

52. All Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Metropolitan Board of Works as the Board of Trade direct.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Parts of Metropolis Gas Act, 1860, *repealed.*

Section Two as far as it incorporates the Provisions of The Gasworks Clauses Act, 1847, with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit, or imposes any Restriction on a Company in respect of the Rate of Dividend;

Sections Seven to Twelve, both inclusive;

Sections Twenty-five to Thirty-four, both inclusive;

Sections Forty and Forty-one.

THE SECOND SCHEDULE.

Description of Burner.

A Burner of the Kind known as Sugg's Steatite Argand Burner, of *15* Holes, consuming not more than *5* Cubic Feet of Gas per Hour, and having the following Dimensions:—

	Inches.
External Diameter - - - - -	*1·0*
Internal Diameter - - - - -	*0·5*
Diameter across from Centre of Hole to Centre of Hole -	*0·8*
Diameter of Hole - - - -	*0·05*
Height from Gallery Rest to Top - - -	*1·2*

And having a Glass supported on an ordinary Gallery, with or without a perforated Disc, the Glass having the following Dimensions:—

	Inches.
External Diameter - - - - -	*2·0*
Internal Diameter - - - - - -	*1·85*
Total Height - - - - -	*7·0*
Height from Level of Top of Burner to Top of Glass -	*6·0*

Metropolis Gas.

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B I L L

To amend The Metropolis Gas Act, 1860, and to make further Provision for regulating the Supply of Gas to the Metropolis, and for other Purposes connected therewith.

(Prepared and brought in by
Sir Stafford Northcote, Mr. Secretary Walpole,
and Lord John Manners.)

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1867.

[Bill 45.]

Under 2 *oz.*

Metropolis Gas Bill.

[AS AMENDED IN COMMITTEE.]

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Amend The Metropolis Gas Act, 1860, and to make further Provision for regulating the Supply of Gas to the Metropolis; and for other Purposes connected therewith.

Preamble.

WHEREAS it is expedient that such Provisions as are in this Act expressed be made for amending The Metropolis Gas Act, 1860, (in this Act referred to as the Act of 1860,) and for further regulating the Supply of Gas to the Metropolis, and for other Purposes connected therewith:

May it therefore please Your Majesty,

That it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Titles.

1. This Act may be cited as The Metropolis Gas Act, 1867, and this Act and the Act of 1860 may be cited together as The Metropolis Gas Acts, 1860 and 1867.

Interpretation and Construction.

2. In this Act—

The Term "the City" means the City of London and the Liberties thereof;

The Term "the Commissioners of Sewers" means the Commissioners of Sewers of the City;

The Term "Local Authority" includes the Commissioners of Sewers;

The Terms "Companies" and "Company" mean the Companies subject to the Act of 1860, and each of them;

The Term "Half Year" means a Half Year reckoned from the First Day of January and First Day of July in each Year;

The Term "Quarter" means a Quarter of a Year reckoned from the First Day of January, First Day of April, First Day of July, and First Day of October in each Year;

The Term "Day" means (except in this Section) Twenty-four Hours reckoned from Nine o'Clock in the Forenoon of One Day to Nine o'Clock in the Forenoon of the next following Day, so much of each Day as is before Nine o'Clock in the Forenoon being reckoned as Part of the immediately preceding Day of the Month or Week;

and this Act shall be read as One with the Act of 1860.

Application of Provisions respecting Metropolitan Board and Commissioners of Sewers.

3. Where under this Act anything is required or authorized to be done by or in relation to the Metropolitan Board of Works and the Commissioners of Sewers, or those Bodies disjunctively, the same shall be deemed to be required or authorized to be done by or in relation to the Metropolitan Board of Works for all Purposes connected with the Supply of Gas to the Metropolis exclusive of the City, and by or in relation to the Commissioners of Sewers for all Purposes connected with the Supply of Gas to the City.

Repeal as in Schedule.

4. Such Parts of the Act of 1860 as are described in the First Schedule to this Act are hereby repealed.

Metropolitan Gas Board.

Constitution of Metropolitan Gas Board.

5. There shall be a Board, called the Metropolitan Gas Board, consisting of Three competent and impartial Persons of scientific Knowledge and Experience in relation to the Manufacture and Supply of Gas, who shall be from Time to Time appointed by and shall be removeable by the President of the Board of Trade.

Quorum, &c. of Board.

6. Two Members of the Metropolitan Gas Board (in this Act referred to as the Gas Board) shall be a Quorum thereof, and at least Two Members thereof shall concur in every Act or Determination of the Board.

Certificates of Board.

7. A Copy of each Certificate of the Gas Board required by this Act shall be sent by them to the Metropolitan Board of Works and the Commissioners of Sewers, and to each of the Companies.

Illuminating Power.

Mode and Times of testing illuminating Power.

8. The Gas Board shall, subject to the Provisions of this Act, from Time to Time prescribe and certify the Mode to be adopted for testing and recording the illuminating Power of Gas supplied by the Companies, and the Times of testing.

Description of Burner and Candles.

9. Until the Gas Board otherwise prescribe and certify, there shall be used for the Purpose of testing illuminating Power,—

1. The Burner described in the Second Schedule to this Act (a Specimen of which Burner the Board of Trade shall, on the passing of this Act, cause to be deposited with the Warden of the Standards);
2. Sperm Candles of Six to the Pound, each burning at the Rate of One hundred and twenty Grains per Hour, manufactured in manner from Time to Time prescribed by the Gas Board and from Materials obtained as the Gas Board from Time to Time direct (Candles of which Description are intended where Candles are mentioned in the subsequent Provisions of this Act).

Substitution of Carcel Lamp.

10. If at any Time the Gas Board prescribe and certify that a Carcel Lamp be substituted for Candles, then a Carcel Lamp, constructed as the Gas Board from Time to Time direct, and consuming Colza Oil at the Rate of Six hundred and forty-eight Grains per Hour, shall be deemed equivalent to Nine Candles.

Purity.

Examination of Gasworks by Board.

11. The Gas Board shall with all practicable Speed after their Appointment, and from Time to Time thereafter, inspect the Works of the Companies, and investigate the Processes of Manufacture carried on therein, with the view of ascertaining the Means adopted therein for purifying Gas and for preventing Nuisance, and may from Time to Time apply all such Tests as they think expedient, at the Works of the Companies or elsewhere, for ascertaining the Amount of Sulphur and Ammonia and of Compounds thereof or other Impurity with which Gas supplied by them is charged.

Access to Works.

12. The Companies shall give to the Gas Board, and each Member thereof, and to their Clerks, Servants, and Workmen, Access to the Works of the Companies, and shall, when required, afford to them and him all Facilities for the proper Execution of their and his Duty.

Certificate of Maximum and Time.

13. The Gas Board shall from Time to Time prescribe and certify the maximum Amount of Impurity in each Form with which Gas supplied by the Companies shall be allowed to be charged, and the Time from which the Allowance thereof shall be enforced as against each Company, regard being had to the Necessity for any Alteration of Works by a Company consequent on any such Certificate.

Mode and Times of testing Purity.

14. The Gas Board shall from Time to Time prescribe and certify the Mode to be adopted for testing and recording the Purity of Gas supplied by the Companies, and the Times of testing.

Freedom from Sulphuretted Hydrogen.

15. Gas supplied by the Companies shall be wholly free from Sulphuretted Hydrogen, and nothing in this Act shall authorize the Gas Board to allow of Gas being charged with any Amount of Impurity in that Form.

Testing.

Provision of Testing Places and Apparatus.

16. The Gas Board shall from Time to Time prescribe and certify what Testing Places and what Apparatus therein for testing the Purity and illuminating Power of Gas shall be provided by each Company, every such Place being not less than One thousand Yards distant from the Station from which the Gas to be tested at it is supplied, and each Company shall provide and maintain such Testing Places and Apparatus accordingly.

Control, &c. of Testing Places.

17. The Testing Places and Apparatus provided by the Companies shall be under the Control and Management of the Metropolitan Board of Works or the Commissioners of Sewers.

Separate Testing Place for Company.

18. The Company providing a Testing Place may also have a separate Testing Place in the same Building under their own Control and Management.

Appointment of Gas Examiner.

19. The Metropolitan Board of Works and the Commissioners of Sewers shall as soon as may be after the passing of this Act appoint, and shall always keep appointed, at least One competent and impartial Person to be the Gas Examiner at each Testing Place.

Appointment of Chief Gas Examiner.

20. There shall be a Chief Gas Examiner, being a competent and impartial Person, from Time to Time appointed by and removeable by the President of the Board of Trade.

Daily testing.

21. The Gas Examiner at each Testing Place shall test daily the illuminating Power and Purity of Gas supplied by the Company.

22. The Testings of illuminating Power shall be made Three Times at least each Day between the Hours of Five o'Clock and Ten o'Clock in the Afternoon in the Months of October to March, both inclusive, and between the Hours of Eight o'Clock and Eleven o'Clock in the Afternoon in the Months of April to September, both inclusive; and nothing in this Act shall authorize the Gas Board to prescribe fewer Testings than those directed by this Section.

Testings for illuminating Power.

23. The average of all the Testings of illuminating Power prescribed by the Gas Board on each Day shall be deemed to represent the illuminating Power on that Day.

Illuminating Power for Day.

24. The Company may, if they think fit, on each Occasion of the testing of the Gas by the Gas Examiner be represented by some Officer, but such Officer shall not interfere in the testing.

Representation of Company.

25. The Gas Examiner shall on each Day make and deliver a Report of the Result of the Testings conducted by him on the immediately preceding Day to the Metropolitan Board of Works or the Commissioners of Sewers, and to the Chief Gas Examiner, and a Copy of each such Report shall, not later than the following Day, be furnished by the Metropolitan Board of Works or the Commissioners of Sewers to the Company; and the Books kept by the Gas Examiner for recording the Results of the Testings by him shall be open at all reasonable Times to the Inspection of the Company without Payment.

Daily Reports, and Access to Books.

26. If the Company think themselves aggrieved by any Report of the Gas Examiner, they may, within Seven Days after the Day to which the Report relates, appeal to the Chief Gas Examiner, whose Decision shall be final and conclusive, and the Chief Gas Examiner shall report every such Decision to the Metropolitan Board of Works and the Commissioners of Sewers.

Appeal to Chief Gas Examiner.

27. If in any Case the Company do not appeal as aforesaid the Report of the Gas Examiner shall be final and conclusive.

Where no Appeal, Report of Examiner final.

Price of Gas.

28. The maximum Price per One thousand Cubic Feet chargeable by a Company for Gas of illuminating Power of not less than Candles shall be .

Maximum Price according to illuminating Power.

29. The maximum Price of Gas prescribed by this Act may be increased or shall be diminished from Time to Time if and when an

Clause A. Provision for Diminution or Increase of Price.

an Increase or Diminution in the Cost of Production of Gas is shown to the Satisfaction of the Board of Trade, after hearing the Parties, and to such Extent as in each Case the Board of Trade think reasonable.

Reports of Chief Gas Examiner.

Quarterly Report of Chief Gas Examiner.

30. Not more than Three Days after the End of each Quarter the Chief Gas Examiner shall make a Report to the Metropolitan Board of Works and the Commissioners of Sewers on the Results of the daily Testings made in that Quarter in connexion with each Station of each Company, and shall state therein with respect to Gas supplied by each Company from each Station in that Quarter—

1. The illuminating Power on each Day:
2. The highest and lowest illuminating Power for the Quarter:
3. What is to be taken (as between the Company and their Customers) as the illuminating Power for the Quarter, being the lowest illuminating Power on any Fourteen Days in the Quarter:
4. The Amount of Impurity in each Form on each Day:
5. The maximum Price chargeable for the Quarter.

Communication of Quarterly Report.

31. A Copy of each Quarterly Report of the Chief Gas Examiner shall within Two Days after the Receipt thereof by the Metropolitan Board of Works or the Commissioners of Sewers be furnished by them to the Company.

Clause B. Forfeiture for defective Power or Purity.

32. If the Gas supplied by a Company is at any Time of less illuminating Power or of less Purity than it ought to be, the Company shall in each such Case forfeit ,
and the Report of the Chief Gas Examiner, after hearing the Parties in case of Dispute, shall be conclusive on the Question of the Liability of the Company to such Forfeiture; and such Forfeiture shall be borne and paid (to the Satisfaction of the Auditor appointed as in this Act provided) exclusively by and out of the Profits of the Company applicable to the Purposes of Dividend.

Payments for Gas.

Quarterly Payments.

33. Gas Rents shall be payable at the Expiration of Seven Days after the End of each Quarter.

Statement of Quality and Price.

34. On each Application by the Company to any Customer of the Company for Gas Rent the Company shall deliver to him in Writing or Print, or partly in Writing and partly in Print, a true Statement of the illuminating Power of the Gas supplied by them to him

him for the then last Quarter, and the maximum Price chargeable for the same, and the actual Price charged, otherwise the Gas Rent applied for shall not be recoverable.

Dividends.

Rate of Dividend.

35. Each Company may pay a Dividend for each Half Year in proportion to the illuminating Power of the Gas supplied by them in the Quarters comprised in that Half Year, and to the Price charged by them for the same, as follows:

For each Half Year in any Part of which the Price charged is the maximum Price chargeable according to this Act, a Dividend may be paid at a Rate not exceeding - - - - Ten per Centum per Annum:

For each Half Year throughout which the Price charged is less by per One thousand Cubic Feet than the maximum Price chargeable, and so in respect of each further Reduction of Price by per One thousand Cubic Feet below the maximum Price chargeable, a Dividend may be paid at a Rate (in addition to the Dividend at the Rate of Ten per Centum per Annum) not exceeding - - per Centum per Annum:

Provided always, that where the illuminating Power is less than that of Candles there shall be no Increase of Dividend for any Reduction of Price below the maximum Price chargeable.

Accounts.

Auditor of Accounts.

36. There shall be an Auditor of the Accounts of the Companies, being a competent and impartial Person, from Time to Time appointed by and removeable by the Board of Trade.

Ascertainment of Capital of Companies.

37. The Auditor shall with all practicable Speed after the passing of this Act investigate the Accounts of the Companies, and ascertain and certify the Amounts of their Capitals, distinguishing Share from Loan Capital.

Form of Books and Accounts.

38. The Auditor shall from Time to Time prescribe a uniform Form of Books and Accounts to be kept by the Companies.

Periodical Audit.

39. The Auditor shall half-yearly audit the Accounts of the Companies, and if he finds the same correct he shall certify the same respectively, but if in any instance he finds the Accounts incorrect in principle or in detail he shall require the Company to correct the same in such Manner as he thinks right.

Facilities for Auditor.

40. Each Company shall give to the Auditor, his Clerks and Assistants, Access to the Books and Documents of the Company, and shall, when required, furnish to him and them all Vouchers and Information requisite for the Purposes of the Audit, and shall afford to him and them all Facilities for the proper Execution of his and their Duty.

Arbitration between Auditor and Company.

41. If any Company think themselves aggrieved by any Act or Determination of the Auditor, the Matter in difference shall be referred to the Determination of an Arbitrator agreed on between the Company and the Auditor, or, in default of Agreement, appointed, on the Application of either Party, by the Lord Chief Justice of the Court of Common Pleas; and the Reference shall be subject and according to the Provisions of The Common Law Procedure Act, 1854; and the Decision of the Arbitrator shall be final and conclusive; and subject to this Provision the Companies shall observe and abide by the Directions and Determinations of the Auditor.

Miscellaneous Amendments.

Pressure of Gas.

42. All Gas supplied by a Company to a private Customer shall be supplied at such Pressure as to balance a Column of Water One Inch in Height at the Exit of the Meter in the Customer's House, Building, or Lands supplied.

Governors for Street Lamps.

43. A Company supplying Gas to public Lamps, or the Local Authority, may at their own Expense cause to be affixed to each Lamp the Instrument known as a Street Lamp Governor, and the Local Authority or the Company (as the Case requires) shall be entitled to have Access thereto for the Purpose of examining the same; and in case any Dispute arises between the Company and the Local Authority with reference to the affixing, Operation, or Inspection of Governors, the same shall be referred to the Determination of the Chief Gas Examiner, whose Decision shall be final and conclusive.

Limit of Charge for Gas supplied to public Lamps.

44. A Company shall not charge a higher Price per One Thousand Cubic Feet for Gas supplied to any Local Authority than the lowest Price per One Thousand Cubic Feet charged by them at the same Time to any other Local Authority, or to any private Customer.

Settlement of Differences by Arbitration.

45. Section Thirty-eight of the Act of 1860 shall be read as if The Lands Clauses Consolidation Act, 1845, were therein mentioned instead of The Companies Clauses Consolidation Act, 1845.

Map of Mains to show Diameter.

46. Each Gas Company shall cause to be marked in Figures on the Map which they are required to keep by Section Forty-two of the Act of 1860 the Diameter in Inches of all their Mains or District Mains laid under public Streets and Roads.

Deposit in case of Dispute.

47. Where a Dispute arises between a Company and One of their Customers respecting any Payment to be made to the Company, if the Customer deposits with the Company, by way of Security, the Amount claimed by them, it shall not be lawful for the Company to discontinue a Supply of Gas to the Customer by reason of the Dispute.

Expenses of Execution of Act.

Remuneration and Expenses of Gas Board, &c.

48. The Remuneration of the Members of the Gas Board, and of the Chief Gas Examiner, and of the Auditor, shall be such as the Board of Trade from Time to Time direct, and the same and all Expenses properly incurred by the Gas Board and the Chief Gas Examiner and the Auditor in or about the Execution of their Duties shall be paid by the Companies, and shall be from Time to Time apportioned by the Board of Trade among the Companies in proportion to the nominal Amount of their Share Capitals, and the Amount so apportioned to each Company shall be paid by the Company, on Demand, to such Fund or Account, and in such Manner, as the Board of Trade from Time to Time direct, and shall be a Debt due from the Company to the Crown, and shall be recoverable accordingly, with Costs.

Remuneration and Expenses of Gas Examiners.

49. The Remuneration of the Gas Examiners and all Expenses incurred by them in executing their Duties shall be paid by the Metropolitan Board of Works or the Commissioners of Sewers, as Part of the Expenses of the Execution of the Acts relating to those Bodies.

Saving.

Provision for General Acts.

50. Nothing in this Act shall exempt the Companies from the Provisions of any General Act relating to Gas Companies or to Metropolitan Gas Companies to be passed in this or any future Session of Parliament, or from any Revision and Alteration, under the Authority of Parliament, of the maximum Prices and Dividends authorized by this Act.

Costs.

Expenses of Act.

51. All Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Metropolitan Board of Works as the Board of Trade direct.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Parts of Metropolis Gas Act, 1860, *repealed.*

Sections Seven to Twelve, both inclusive;
Sections Twenty-five to Thirty-four, both inclusive;
Section Thirty-seven;
Sections Forty and Forty-one.

THE SECOND SCHEDULE.

Description of Burner.

A Burner of the Kind known as Sugg's Steatite Argand Burner, of 15 Holes, consuming not more than 5 Cubic Feet of Gas per Hour, and having the following Dimensions:—

	Inches.
External Diameter	1·0
Internal Diameter	0·5
Diameter across from Centre of Hole to Centre of Hole	0·8
Diameter of Hole	0·05
Height from Gallery Rest to Top	1·2

And having a Glass supported on an ordinary Gallery, with or without a perforated Disc, the Glass having the following Dimensions:—

	Inches.
External Diameter	2·0
Internal Diameter	1·85
Total Height	7·0
Height from Level of Top of Burner to Top of Glass	6·0

Metropolis Gas.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend The Metropolis Gas Act, 1860, and to make further Provision for regulating the Supply of Gas to the Metropolis, and for other Purposes connected therewith.

(Prepared and brought in by
Sir Stafford Northcote, Mr. Secretary Walpole,
and Lord John Manners.)

Ordered, by The House of Commons, *to be Printed,*
2 *May* 1867.

[Bill 129.]

Under 2 *oz.*

A

B I L L

TO

Make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis.

Preamble.

WHEREAS Subways have been constructed or are proposed to be constructed in the new Streets and Roadways which the Metropolitan Board of Works, in this Act called "the Board," are by virtue of the several Acts set forth in the Schedule to this Act authorized to make within the Metropolis: And whereas, in order to prevent Inconvenience to the Public by the frequent breaking up of the said Streets and Roadways, it is expedient to enable the Board to require Companies or Persons intending or required to place Water, Gas, and other Pipes in the said Streets and Roadways to lay the same in the Subways upon proper Terms and Conditions; and it is also expedient to make other Provision respecting the Use of Subways in the Metropolis:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "The Metropolitan Subways Act, 1867."

Interpretation of Terms.

2. In this Act the Term " Subway " means an arched Passage or covered Way under the Surface of a Street constructed for the Reception of Gas, Water, and other Pipes; the Term " Street " has the same Meaning as it has in " The Metropolis Management Act, 1855," and shall include any Roadway on any Embankment or Land reclaimed from the River Thames or connected therewith; the Term " Pipe " includes Gas-pipe, Water-pipe, Tube for Telegraph Wires or other Tube and any Apparatus connected with a Pipe or Tube; the Expression " the Metropolis " means the Metropolis as defined by " The Metropolis Management Amendment Act, 1862."

Extent of Act.

3. This Act shall apply only to the several Subways under any Street constructed under the Powers of the respective Acts set forth in the Schedule to this Act annexed, and to any Subway constructed by the Board in the Metropolis under the Authority of any Special Act passed in any future Session of Parliament to which the Provisions of this Act are extended by such Special Act.

As to new Pipes.

Power for Board to require Companies, &c. to use Subways.

4. Where any Company, Body, or Person is desirous of laying or may be required to lay any Pipe under the Surface of any Street under which there is a Subway to which this Act applies, and the Board, by Notice served on such Company, Body, or Person, requires them or him to lay the same in the Subway, then, notwithstanding anything in any Special or General Act of Parliament contained, it shall not be lawful for such Company, Body, or Person to lay the same under the Surface of the Street otherwise than in the Subway, or after the Service of such Notice to open or break up the Street for that Purpose.

As to existing Pipes in Streets in which there is a Subway.

5. Where the Board has, before or after the passing of the Act, constructed a Subway under any Street, and a Pipe has been laid under the Surface of the Street otherwise than in the Subway, the Board may, by Notice served on the Company, Body, or Person to whom such Pipe belongs, require them or him to remove the same into the Subway; and the Cost of such Removal shall be determined by Arbitration in manner in this Act provided, and shall be defrayed by the Company, Body, or Person to whom the Pipe belongs, or by the Board, or shall be borne by such Company, Body, or Person, and the Board, in such Proportions as the Arbitrators shall determine.

Remedies against Companies, &c.

6. If any Company, Body, or Person lays a Pipe, or makes default in Removal of a Pipe, or opens or breaks up a Street in any respect in contravention of any of the foregoing Provisions, they or he shall for every such Offence (without Prejudice to any other Remedy or Proceeding against them or him) be liable to a Penalty not exceeding *Twenty Pounds*; and the Board (whether having the Control or Management of the Surface and Soil of the Street or not), if they think fit, may remove the Pipe so laid, or take up the Pipe in respect of which Default shall be made, and may in any Case fill in the Ground and make good the Surface and Pavement of the Street so opened or broken up, and the Expenses incurred by the Board in so doing shall be repaid, on Demand, to the Board by such Company, Body, or Person, and in default of Payment may be recovered as a Penalty is under this Act recoverable.

violating foregoing Provisions.

7. This Board shall, so far as Space will admit, and without Favour or Preference, allow Pipes to be laid in a Subway.

Right of all Companies, &c. to use Subways.

8. The Board may, if they think fit, demand and receive Payment, by way of annual Rent or otherwise, from any Company, Body, or Person for the Use by them or him of any Subway; and in case the Amount of any such Payment shall not be agreed upon, the Amount to be paid shall be determined by Arbitration in manner by this Act provided.

Rent or other Payment by Companies, &c. for Use of Subways.

9. Every Arbitration under the Provisions of this Act shall be in accordance with "The Railway Companies Arbitration Act, 1859," which Act shall take effect and apply in every Case as nearly as may be as if the Board and the Company, Body, or Person not agreeing were Two Companies within the Meaning of that Act who had agreed on a Reference of the Matter in dispute to the Arbitration of Two Arbitrators in accordance with that Act.

Arbitration Clause.

10. In determining in any Case the Amount of Payment under this Act the Arbitrators or Umpire acting in the Arbitration shall have regard to the pecuniary Benefit accruing to the Company, Body, or Person using the Subway by reason of saving in respect of Leakage, and in respect of the Expense of and connected with the laying, fitting, Inspection, and Repair of Pipes, and the opening and relaying of Roads, and paving and repairing, and otherwise, by reason of the Use of the Subway.

Mode of estimating Payment.

11. For the Purposes and in the Execution of this Act the Board shall have and may exercise all such Powers, Privileges, and Authorities as are conferred on the Board by the Acts constituting and regulating the Board, and as far as may be the Provisions of those

Application to this Act of Powers, &c. of Local Management Act, &c.

See Section 202 and following Sections of the Local Management Act, 1855.

those Acts shall apply for the Purposes and in the Execution of this Act, and in particular the Provisions of those Acts relative to Byelaws shall extend to empower the Board to make, alter, and repeal Byelaws for regulating the Use of Subways constructed by the Board before or after the passing of this Act, and of the Communications therewith; and Penalties under this Act shall be recoverable and applicable as Penalties under the said Acts are recoverable and applicable.

Expenses of Act.

12. The Costs, Charges, and Expenses of and incidental and preliminary to the obtaining and passing of this Act, and incurred by the Board in relation thereto, and of carrying the same into effect, shall be paid by the Board out of the Funds which they may raise within the Metropolis, as defined by "The Metropolis Management Amendment Act, 1862," under the Powers and Provisions of "The Metropolis Management Act, 1855," and the Acts amending the same.

The SCHEDULE to which the foregoing Act refers.

Acts authorizing the making, by the Metropolitan Board of Works, of new Streets and Roadways.

1. Covent Garden Approach, and Southwark and Westminster Communication Act, 1857.
2. Victoria Park Approach Act, 1858.
3. The Thames Embankment Act, 1862.
4. The Thames Embankment Act, 1863.
5. The Metropolis Improvement Act, 1863.
6. The Thames Embankment Act, 1864.
7. The Whitechapel and Holborn Improvement Act, 1865.
8. Any Act passed in the present Session of Parliament authorizing the Construction, by the Metropolitan Board of Works, of any Subway under any new Street, Thoroughfare, Roadway, or Place to be made, formed, embanked, or improved by such Board.

Metropolis Subways.

A

BILL

To make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis.

(Prepared and brought in by Mr. Tite and Colonel Hogg.)

Ordered, by The House of Commons, *to be Printed,*
8 *May* 1867.

[Bill 139.]

Under 1 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis.

Preamble.

WHEREAS Subways have been constructed or are proposed to be constructed in the new Streets and Roadways which the Metropolitan Board of Works, in this Act called "the Board," are by virtue of the several Acts set forth in the Schedule to this Act authorized to make within the Metropolis:

And whereas, in order to prevent Inconvenience to the Public by the frequent breaking up of the said Streets and Roadways, it is expedient to enable the Board to require Companies or Persons intending or required to place Water, Gas, and other Pipes in the said Streets and Roadways to lay the same in the Subways upon proper Terms and Conditions; and it is also expedient to make other Provision respecting the Use of Subways in the Metropolis:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "The Metropolitan Subways Act, **1867.**"

Interpretation of Terms.

2. In this Act the Term "Subway" means an arched Passage or covered Way under the Surface of a Street constructed for the Reception of Gas, Water, and other Pipes; the Term "Street" has the same Meaning as it has in "The Metropolis Management Act, 1855," and shall include any Roadway on any Embankment or Land reclaimed from the River Thames or connected therewith; the Term "Pipe" includes Gas Pipe, Water Pipe, Tube for Telegraph Wires or other Tube and any Apparatus connected with a Pipe or Tube; the Expression "the Metropolis" means the Metropolis as defined by "The Metropolis Management Amendment Act, 1862."

Extent of Act.

3. This Act shall apply only to the several Subways under any Street constructed under the Powers of the respective Acts set forth in the Schedule to this Act annexed.

As to new Pipes.

Power for Board to require Companies, &c. to use Subways.

4. Where any Company, Body, or Person is desirous of laying or may be required to lay any Pipe under the Surface of any Street under which there is a Subway to which this Act applies, and the Board, by Notice served on such Company, Body, or Person, requires them or him to lay the same in the Subway, then, notwithstanding anything in any Special or General Act of Parliament contained, it shall not be lawful for such Company, Body, or Person to lay the same under the Surface of the Street otherwise than in the Subway, or after the Service of such Notice to open or break up the Street for that Purpose.

Remedies against Companies, &c. violating foregoing Provisions.

5. If any Company, Body, or Person lays a Pipe, or opens or breaks up a Street in any respect in contravention of the foregoing Provision, they or he shall for every such Offence (without Prejudice to any other Remedy or Proceeding against them or him) be liable to a Penalty not exceeding *Twenty Pounds;* and the Board (whether having the Control or Management of the Surface and Soil of the Street or not), if they think fit, may remove the Pipe so laid, and may fill in the Ground and make good the Surface and Pavement of the Street so opened or broken up, and the Expenses incurred by the Board in so doing shall be repaid, on Demand, to the Board by such Company, Body, or Person, and in default of Payment may be recovered as a Penalty is under this Act recoverable.

Clause A.
As to existing Pipes in Streets in which there is a Subway.

6. Where the Board has before or after the passing of this Act constructed a Subway under any Street to which this Act applies, and a Pipe has been laid under the Surface of the Street otherwise than in the Subway, the Board may, by Notice served on the Company,

pany, Body, or Person to whom such Pipe belongs, require them or him to remove the same into the Subway, and the Cost of such Removal shall be defrayed by the Board; and if any Difference arise as to the reasonable Amount of such Cost, the same shall be settled by an Arbitrator to be appointed by the Board of Trade, on the Application of either Party, and the Cost of the Reference shall be in the Discretion of the Arbitrator; and if Default be made by the Company in the Removal of any such Pipe, the Board, whether having the Control or Management of the Surface and Soil of the Street or not, if they think fit, may take up the Pipe in respect of which Default is made, and may remove the same into the Subway, and if it be necessary for the Purpose of such Removal to substitute new Pipes for the existing Pipes in the Street, the Arbitrator may apportion the Cost of such Substitution between the Board and the Company, Body, or Person, if he considers the Company, Body, or Person derive any Benefit from the Substitution.

Right of all Companies, &c. to use Subways.

7. This Board shall, so far as Space will admit, and without Favour or Preference, allow Pipes to be laid in a Subway.

CLAUSE B. Pipes to be maintained by Companies, &c.

8. All Pipes placed in the Subways shall be maintained by the Companies, Bodies, or Persons to whom the same belong, under the Supervision of an Officer appointed by the Board, and the Subways shall be maintained by the Board in an efficient State of Ventilation and Repair, and free from Water and other Obstruction in the Way of the Companies, Bodies, and Persons using the same.

CLAUSE C. As to Supervision.

9. The Supervision of the Pipes and the general Supervision of the Subways to be provided by the Board shall be in such Manner and upon such Terms, pecuniary and otherwise, as may be agreed upon between the Board and the Company, Body, and Person using the Subway, and, in case of Difference, the Manner and Terms of such Supervision shall be determined by the Board of Trade, or by an Arbitrator appointed by that Board, on the Application of either Party, and the Costs of the Reference shall be in the Discretion of the Arbitrator, and each Party shall do all Acts necessary to give Effect to such Arbitration.

Application to this Act of Powers, &c. of Local Management Act, &c.

10. For the Purposes and in the Execution of this Act, the Board shall have and may exercise all such Powers, Privileges, and Authorities as are conferred on the Board by the Acts constituting and regulating the Board, and as far as may be the Provisions of those Acts shall apply for the Purposes and in the Execution of this Act, and in particular the Provisions of those Acts relative to Byelaws shall extend to empower the Board to make, alter, and

See Section 202 and following Sections of the Local Management Act, 1855.

repeal Byelaws for regulating the Use of Subways constructed by the Board before or after the passing of this Act, and of the Communications therewith; and Penalties under this Act shall be recoverable and applicable as Penalties under the said Acts are recoverable and applicable.

CLAUSE D.
No Byelaws to come into operation until allowed by the Board of Trade.

11. No Byelaws made under the Authority of this Act shall come into operation until the same be allowed by the Board of Trade, and Twenty-one Days Notice of the Intention to apply to the Board of Trade for the Allowance of such Byelaws shall be given to the Gas and Water Companies supplying Gas and Water in the Districts in which the Subways to which such Byelaws relate shall be situate; and the Board of Trade may allow, disallow, or alter any such Byelaws as they think proper.

Expenses of Act.

12. The Costs, Charges, and Expenses of and incidental and preliminary to the obtaining and passing of this Act, and incurred by the Board in relation thereto, and of carrying the same into effect, shall be paid by the Board out of the Funds which they may raise within the Metropolis, as defined by "The Metropolis Management Amendment Act, 1862," under the Powers and Provisions of "The Metropolis Management Act, 1855," and the Acts amending the same.

The

The SCHEDULE to which the foregoing Act refers.

ACTS authorizing the making, by the Metropolitan Board of Works, of new Streets and Roadways.

1. Covent Garden Approach, and Southwark and Westminster Communication Act, 1857.
2. Victoria Park Approach Act, 1858.
3. The Thames Embankment Act, 1862.
4. The Thames Embankment Act, 1863.
5. The Metropolis Improvement Act, 1863.
6. The Thames Embankment Act, 1864.
7. The Whitechapel and Holborn Improvement Act, 1865.

Metropolis Subways.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis.

(*Prepared and brought in by Mr. Tite and Colonel Hogg.*)

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1867.

[Bill 249.]

Under 1 *oz.*

Metropolitan Buildings and Management Bill.

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69. Walls not exceeding Seventy Feet in Height.	
70. Walls not exceeding Eighty Feet in Height.	
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SCHEDULE.	

A

BILL

TO

Regulate the Construction and Use of Buildings and the Formation of Streets and of Sewers and Drains in the Metropolis; and for other Purposes connected therewith.

[*The References in the Margin are to the corresponding Sections, &c. of the Building Act of* 1855, 18 & 19 *Vict. c.* 122., *unless otherwise expressed.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PART I.—PRELIMINARY.

Division of Act. [5.]

1. This Act shall be divided into Parts, as follows:

Part I.—Preliminary.
Part II.—Officers, &c. of Metropolitan Board of Works.
Part III.—Buildings in general.
Part IV.—Minimum Thickness of Walls.
Part V.—Construction in general.
Part VI.—Party Structures.

Part VII.—Buildings of cubical Contents exceeding 216,000 Cubic Feet.
Part VIII.—Public Buildings.
Part IX.—Fire-resisting Buildings.
Part X.—Special Buildings.
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Part XII.—Storing of Inflammable Articles.
Part XIII.—Dangerous and Noxious Businesses.
Part XIV.—Dangerous Structures.
Part XV.—Exemptions.
Part XVI.—Streets.
Part XVII.—Sewers and Drains.
Part XVIII.—General Provisions.

Short Title. [1.]

2. This Act may be cited as The Metropolitan Buildings and Management Act, 1867.

Commencement. [2.]

3. This Act shall commence from and immediately after the *Thirtieth* Day of *September One thousand eight hundred and sixty-seven.*

Repeal of Enactments. [109.]

4. The following Enactments, namely,—

7 & 8 Vict. c. 84.

The Act of the Session of the Seventh and Eighth Years of Her Majesty's Reign (Chapter Eighty-four), "for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood,"

18 & 19 Vict. c. 122.

The Metropolitan Building Act, 1855,

23 & 24 Vict. c. 52.

The Metropolitan Building Act (Amendment), 1860,

24 & 25 Vict. c. 87.

The Metropolitan Building Amendment Act, 1861, and

25 & 26 Vict. c. 102. ss. 98, 99.

The Metropolis Management Amendment Act, 1862, Sections Ninety-eight and Ninety-nine,—

are hereby repealed; but this Repeal shall not affect the past Operation of any of those Acts, or the Force or Operation of any Byelaw, Order, Regulation, or Instruction made or given, or the Validity or Invalidity of anything done or suffered, or any Right, Title, Obligation, or Liability accrued, before the Commencement of this Act; nor shall this Act interfere with the Prosecution or Institution of any Proceeding in respect of any Right, Title, Obligation, or Liability accrued under, or any Offence committed against, or any Penalty or Forfeiture incurred under the secondly mentioned Act, before the Commencement of this Act; and every such Proceeding instituted in any Court or before a Justice before the Commencement of this Act may be carried on as if this Act had not been passed; and any such Proceeding may be instituted and prosecuted after the Commencement of this Act, according to the Procedure prescribed by this Act, but in other respects as if this Act had not been passed.

Limits of Act. [4.] 18 & 19 Vict. c. 120.

5. This Act shall extend to all Places being at the Commencement of this Act within the Limits of the Metropolis as defined by The Metropolis Management Act, 1855, and to all other Places to which that Act is at any Time extended by Order in Council, unless the same, or any of them, are by the extending Order expressly excepted from the Operation of this Act; and the Limits described in this Section shall be deemed the Limits of this Act.

Interpretation. [3.]

6. In this Act—

The Term "Base" applied to a Wall means the Course immediately above the Footing of the Wall:

The Term "topmost Storey" means the uppermost Storey in a Building, whether constructed wholly or partly in the Roof or not, and whether habitable or not:

The Term "Party Wall" means a Wall used or intended to be used in any Part of its Height as a Separation of Buildings belonging to different Owners or occupied or intended to be occupied by different Persons, or a Wall standing (to a greater extent than the Projection of the Footing on one Side) on Grounds of different Owners; and every such Wall shall be deemed a Party Wall throughout its whole Height:

The Term "External Wall" means an outer Wall or vertical Inclosure of a Building not being a Party Wall:

The Term "Wall of Separation" means each of Two Walls built against one another, which if they were not built against one another would be External Walls:

The Term "Cross Wall" means a Wall used or intended to be used in any Part of its Height as a Separation of one Part from another Part of the same Building, that Building being or being intended to be wholly in the Occupation of One Person; and every such Wall shall be deemed a Cross Wall throughout its whole Height:

The Term "Party Fence Wall" means a Wall used or intended to be used as a Means of Separation of the Grounds of different Owners, and not forming Part of the Inclosure of any Building:

The Term "Party Arch" means an Arch separating Buildings, Storeys, or Rooms belonging to different Owners, or occupied or intended to be occupied by different Persons:

The Term "Party Structure" includes a Party Wall, a Wall of Separation, a Party Fence Wall, a Party Arch, and a Partition, Floor, or other Structure separating Buildings, Storeys, or Rooms belonging to different Owners or approached by distinct Staircases or separate Entrances from without:

The Term "Area" applied to a Building means the Superficies of a horizontal Section thereof, made at the Point of its greatest Surface, inclusive of the External Walls and of such Portions of the Party Walls as belong to the Building, but exclusive of any attached Building the Height of which does not exceed that of the Ground Storey of the Building:

The Term "Square" applied to any Area of Building means the Space of One hundred Superficial Feet:

The Term "cubical Contents" applied to a Building means its Area multiplied by its Height measured from the Surface of the lowest Floor up to *One Third* of the Height of the Roof, as the Building stands at the Time of Measurement, or as it stood before being wholly or in part taken down, burnt, or destroyed (as the Case may be):

[3.] The Term "Public Building" includes any Building used or intended to be used either ordinarily or occasionally as a Church, Chapel, or Place of Public Worship, or for Purposes of Public Instruction, or as a College, Hospital, Workhouse, Public Theatre, Public Hall, Public Concert Room, Public Ball Room, Public Lecture Room, or Public Exhibition Room, or as a Public Place of Assembly for Persons admitted thereto with a view to Gain (by Tickets sold or otherwise), or used or intended to be used either ordinarily or occasionally for any other Public Purpose:

The Term "Domestic Building" includes a Dwelling House, and any Office-Building or other Outbuilding appurtenant to a Dwelling House, whether attached thereto or not:

The Term "Building of the Warehouse Class" includes a Warehouse, Manufactory, Brewery, or Distillery:

The Term "Owner" includes every Person in Possession or in Receipt either of the whole or of any Part of the Rents or Profits of any Building or Ground, or in the Occupation of such Building or Ground otherwise than as Tenant from Year to Year or for a less Term or at Will:

[82.] The Term "Building Owner" means such One of the Owners of any Two or more Buildings, Storeys, or Rooms separated by a Party Structure as executes or is desirous of executing any Work affecting such Party Structure:

The Term "Adjoining Owner" means the Owner of the other of those Buildings, Storeys, or Rooms:

The Term "Builder" means the Master Builder or other Person who is employed to construct or execute, or who actually constructs or executes, any Building or any Work on a Building, or, where there is no Master Builder or other Person so employed distinct from the Person causing or directing the Building or Work to be constructed or executed, then the last-mentioned Person:

The Term "Fire-resisting Material" includes Brickwork constructed of Bricks well burnt hard and sound, properly bonded, and solidly put together with Mortar compounded of sharp clean Sand or Grit and good Lime in proper Proportions, or with Cement; also Oak and Teak or other hard Timber used for Beams or Posts, or in combination with Wrought Iron protected by Plastering in Cement or other non-conducting external Coating; also Elm used for upright Posts or Sheathing but not for Beams; also Slate, Tiles, and vitrified Stoneware used for Coverings or Corbels; also Flagstones used for Floors over Arches, but not exposed and self-supporting; also Concrete properly compounded used for filling in between Joists of Floors:

The Term "authorized," applied to a Building or Structure or Part thereof, means being in conformity with this Act or such other Act or Acts (if any) relative to Metropolitan Buildings as was or were in force at the Time of the Erection or Construction thereof:

The Term "unauthorized," applied as aforesaid, means not so authorized:

The Term "Person" includes a Body Corporate:

The Term "Justice" means Justice of the Peace:

The Term "the Metropolis Management Acts" means The Metropolis Management Act, 1855, and the Acts amending the same.

Locality of Jurisdiction, &c. [3.]

7. Where in this Act the Title of an Officer having in respect of his Office Local Jurisdiction or Authority is referred to without mention of the Place or District to which the Jurisdiction or Authority extends, the Reference shall be understood to indicate the Officer having Jurisdiction or Authority where the Building or Thing (or any Part thereof) to which the Reference relates is situate, or where the Matter requiring the Cognizance or Intervention of such Officer arises.

PART II.—OFFICERS, &C. OF METROPOLITAN BOARD OF WORKS.

District Surveyors.

Existing Districts continued. [32.]

8. The Places which at the Commencement of this Act are Districts for the Purposes of Metropolitan Buildings shall (subject to the Provisions of this Act) continue to be Districts for those Purposes and for all Purposes of this Act.

District Surveyors appointed and continued. [32.]

9. There shall be Officers for the Execution of this Act, called District Surveyors; and One at least of such Officers shall be from Time to Time appointed for each District; and the several Persons who at the Commencement of this Act are District Surveyors for the Purposes of Metropolitan Buildings shall (subject to the Provisions of this Act) continue to be District Surveyors under this Act, for the respective Districts for which they then act.

Power for Alteration of Districts. [32.]

10. The Metropolitan Board of Works (in this Act referred to as the Board) may from Time to Time alter the Limits of any District, or unite any Two or more Districts together, and may in any such Case place any altered District under the Supervision of any District Surveyor for the Time being, and may from Time to Time alter any District so made, and pay such Amount of Compensation as they think fit to any District Surveyor deprived of his Office, or prejudicially affected in respect thereof, by reason of the Exercise of any of the Powers of this Section, and do all Matters and Things necessary or proper for carrying into effect the Purposes of this Section.

Dismissal, &c. of District Surveyor. [32.]

11. The Board may dismiss or suspend any District Surveyor, and in case of Suspension may appoint a temporary Substitute for the Person suspended; provided that they may not dismiss or suspend any District Surveyor in Office at the Commencement of this Act but not appointed by the Board, except with the Approval of One of Her Majesty's Principal Secretaries of State.

Vacancies among District Surveyors. [32.]

12. On any Vacancy occurring in the Office of District Surveyor, the Board may appoint another qualified Person in place of the Person vacating Office, or may, if they think fit, appoint a temporary Substitute for him having the Qualifications of a District Surveyor.

Examination by Institute of British Architects. [33.]

13. The Royal Institute of British Architects may from Time to Time cause to be examined, by such Persons and in such Manner as they think fit, Persons presenting themselves for Examination respecting their Competency to perform the Duties of District Surveyor, and shall grant Certificates of Competency to Persons found deserving thereof on such Examination.

Qualification of District Surveyor. [33.]

14. No Person shall be qualified to be appointed District Surveyor except a Person who is a District Surveyor at the Commencement of this Act, or has obtained a Certificate of Competency in pursuance of any Act prior to this Act, or from the Royal Institute of British Architects under this Act, or has been examined in such other Manner as the Board from Time to Time direct, and been found competent in such Examination.

15. Every District Surveyor shall have and maintain at his own Expense an Office in such Part of his District as the Board approve.

Office of District Surveyor. [34.]

16. There shall be paid to the District Surveyors Fees of such Amount, for such Duties, at such Times, by such Persons, and subject to such Conditions and Regulations, as the Board from Time to Time by Byelaw, with the Approval of One of Her Majesty's Principal Secretaries of State, direct.

Fees of District Surveyors. [49, 50, 51, 78.]

17. If any Builder, Owner, Occupier, or other Person who ought to pay any Fees under this Act to a District Surveyor fails to duly pay the same, they may be recovered on Complaint before a Justice, on its being shown to the Satisfaction of the Justice that a proper Bill, specifying the Amount of those Fees, was served on such Builder, Owner, Occupier, or other Person.

Recovery of Fees. [51.]

18. If, in consequence of a Reduction being made by the Board in the Amount of the Fees payable at the Commencement of this Act to District Surveyors, the Income of any District Surveyor then in Office is diminished, the Board shall grant to him Compensation in respect thereof, unless by the Terms of his Appointment he is precluded from claiming such Compensation.

Compensation in case of Reduction. [49.]

19. The Board may at any Time cause to be paid to any District Surveyor instead of Fees a Salary of such Amount as they think fit.

A District Surveyor paid by Salary shall account for Fees received by him as the Board from Time to Time direct.

A District Surveyor paid by Salary shall not act professionally or on his own private Account in relation to any Building or Work within the Limits of this Act or elsewhere.

Power for Board to pay District Surveyors by Salary. [65.]

20. If any District Surveyor is prevented by Illness, Infirmity, or other unavoidable Circumstance from performing his Duties, he may, with the Consent of the Board, appoint some Person approved by the Board as his Deputy, to perform those Duties while he is so prevented from performing them in person.

A Deputy so appointed shall have all the Powers of a District Surveyor, and the Provisions of this Act relative to a District Surveyor shall apply to any such Deputy.

Power for District Surveyor to appoint Deputy. [35.]

Power to appoint Assistant District Surveyor.
[36.]

21. The Board may from Time to Time appoint a competent Person having the Qualifications of a District Surveyor to be Assistant District Surveyor for a District.

An Assistant District Surveyor shall assist the District Surveyor for the District in the Performance of his Duties generally or of such Parts or Part thereof as the Board, on making his Appointment or afterwards, from Time to Time direct.

An Assistant District Surveyor shall be entitled to have for his own Benefit the Fees payable in respect of the Services performed by him, or such Part thereof as the Board think a proper Remuneration for his Services, or may be paid by Salary of such Amount as the Board think fit.

An Assistant District Surveyor shall have all the Powers of a District Surveyor within the Limits of his Employment, and the Provisions of this Act relative to a District Surveyor shall apply to an Assistant District Surveyor.

District Surveyor, &c. not to act in certain Cases.
[37.]

22. If a Building is erected or any Work done to, in, or on a Building by or under the Superintendence of a District Surveyor or Deputy or Assistant District Surveyor acting professionally or on his own private Account, it shall not be lawful for him to survey or in any Manner act officially in relation to the same Building or Work for the Purposes of this Act, but he shall give Notice of the Facts to the Board, who shall then appoint some other Person to act in his Stead, with Remuneration of such Amount and to be paid in such Manner as the Board direct.

Superintending Architect.

Appointment of Superintending Architect.
[62, 64.]

23. There shall be an Officer, called the Superintending Architect of Metropolitan Buildings (in this Act referred to as the Superintending Architect), who shall be appointed and removable by the Board, and shall perform such Duties under this Act and receive such Salary as the Board from Time to Time direct.

The Person holding that Office at the Commencement of this Act shall continue to hold the same as if this Act had not been passed.

The Superintending Architect shall not, without Permission of the Board, practise as an Architect, or follow any other Occupation.

Authentication of Documents by Superintending Architect, &c.
[58.]

24. Except as otherwise expressly provided in this Act, any Approval or other Document issued by the Board under this Act may be signed by the Superintending Architect, and countersigned by the Chairman of the Board or other Officer appointed in that Behalf by the Board; and every such Document purporting to be so signed and countersigned shall be deemed sufficiently authenticated for all Purposes of this Act.

Appointment of Deputy to Superintending Architect. [63.]

25. If at any Time the Superintending Architect is temporarily prevented by Illness, Infirmity, or other unavoidable Circumstance from performing his Duties, the Board may appoint some Person as his Deputy to perform those Duties while he is so prevented from performing them in person.

A Deputy so appointed shall have all the Powers of the Superintending Architect, and the Provisions of this Act relative to the Superintending Architect shall apply to any such Deputy.

Receipts of Superintending Architect. [66.]

26. All Money received by the Superintending Architect under this Act shall be accounted for and paid by him to the Treasurer of the Board, at such Time and in such Manner as the Board from Time to Time direct.

Clerks and Servants.

Employment of Clerks, &c. [62, 64.]

27. The Board may continue and from Time to Time appoint and employ such Clerks and Servants as they think necessary for the Purposes of this Act, at such Remuneration as they think fit.

Continuance of Employment of Clerks, &c. [114.]

28. Notwithstanding anything in this Act, any Person who, in pursuance of any Enactment repealed by this Act, is at the Commencement of this Act employed by the Board, shall continue entitled to be so employed, with full Enjoyment of any Compensation awarded to him under any such Enactment, and generally on the same Terms and Conditions as if this Act had not been passed.

Forms.

Forms of Notices, &c. [59.]

29. The Board may from Time to Time prepare or approve Forms of Notices and other Documents required by this Act.

Every such Form shall be sealed with the Seal of the Board, or marked with a Representation of such Seal; and any Form purporting to be so sealed or marked shall be presumed to have been prepared or approved by the Board, until the contrary is shown.

Any Notice or Document made in a Form prepared or approved by the Board shall in all Proceedings and for all Purposes be (as regards the Form thereof) sufficient in Law.

Expenses.

Expenses of Execution of Act. [67, 68.]

30. The Expenses of the Board in the Execution of this Act shall be deemed Expenses of the Board in the Execution of the Metropolis Management Acts, and shall be raised and defrayed accordingly.

PART III.—BUILDINGS IN GENERAL.

What comprised in Term Building.

31. Every Erection comprising a cubical Space defined by Walls, Piers, Posts, or other Structures, and a Roof or other Covering, whether such Erection is wholly inclosed or not, and whether it is fixed on permanent Foundations or not, and of whatever Materials it is constructed, and for whatever Purpose it is used or intended, shall be deemed a Building; but nothing in this Section shall be construed so as to exclude from the Application of the Term Building as used in this Act any Erection that would have been deemed a Building according to the true Construction of this Act if this Section had not been inserted in this Act.

Buildings to be separated. [27. § 1.]

32. Every Building shall be separated by External or Party Walls from any and every adjoining Building.

Chambers, &c. in One Building. [27. § 2.]

33. Separate Sets of Chambers or Rooms occupied or intended to be occupied by different Persons shall, if contained in a Building exceeding *Three thousand six hundred Square Feet* in Area, be deemed each to be a Building, and shall be divided, where they adjoin either vertically or horizontally, by proper Party Structures comprising Arches and Floors of Fire-resisting Materials.

Divisions with separate Entrances, &c. [27. § 3.]

34. Where a Building in One Occupation is divided into Two or more Divisions each having a separate Entrance and Staircase, or a separate Entrance from without, each such Division shall be deemed a Building.

New and old Buildings, what. [8.]

35. Every Building which has or is intended to have inclosing Walls with Footings, and of which the inclosing Walls have not been carried higher than the Footings before the Commencement of this Act,—and every Building in relation to which a Building Notice (as hereafter defined in this Act) has not been duly given before that Time,—shall be deemed a new Building; but nothing in this Section shall be construed so as to exclude from the Application of the Term new Building as used in this Act any Building that would have been deemed a new Building according to the true Construction of this Act if this Section had not been inserted in this Act.

Every Building not being a new Building shall be deemed an old Building.

Application of Act to what Buildings. [7.]

36. This Act shall apply to all new Buildings.

Any Repeal or other Provision in this Act shall not apply to an old Building, unless a contrary Intention appears.

Where this Act refers to a Building, the Reference shall, unless a contrary Intention appears, be deemed to be to a new Building.

Alterations, &c. of Buildings. [9.]

37. This Act shall apply to every Work (including any Alteration or Addition) made or done for any Purpose (except superficial Repair not affecting any External Wall, Party Wall, Parapet, Chimney, or Flue,) in, to, or on an old Building, or in, to, or on a new Building after the Roof has been covered in.

Where in this Act any Alteration, Addition, or Work in, to, or on a Building is referred to, the Reference shall, unless a contrary Intention appears, be deemed to be to an Alteration, Addition, or Work to which this Act applies.

Rebuilding makes a new Building, when. [10.]

38. Where an old Building has been taken down, burnt, or destroyed to an Extent exceeding *One Half* of its cubical Contents, the rebuilding thereof shall be deemed to be the Erection of a new Building; and every Portion of the old Building not in conformity with this Act shall be taken down before the rebuilding thereof.

Removal of Timber Partitions, &c. in old Buildings. [11.]

39. Where old Buildings are separated by Timber or other Partitions, or have External Walls not authorized, then if those Partitions or External Walls, or any of them, are removed to the Extent of *One Half* (measured in Superficial Feet) thereof, this Act shall apply to those Buildings as if they were new Buildings; and every Portion of those Buildings not in conformity with this Act shall be taken down before the rebuilding thereof.

When Remainder of Party Wall, &c. to be taken down.

40. Where any Party Wall or External Inclosure not authorized has been taken down, burnt, or destroyed to the Extent of *One Half* thereof (measured in Superficial Feet), the rest of such Wall or Inclosure shall be taken down before the rebuilding thereof.

Rules as to raising of Buildings.

41. A Building, whether old or new, shall not be raised in such Manner that the Party Walls and External Walls and Walls of Separation (if any) and Chimneys thereof, when raised, will not be in conformity with this Act.

An old Building may, nevertheless, be raised, with the Approval of the Board, but not otherwise.

Measurement of Height of Buildings.

42. The Height of a Building shall be measured from the Top of the Footing to the Top of the topmost Storey.

Measurement of Storeys.

43. The Height of a topmost Storey shall be measured from the Level of its Floor up to the under Side of the Tie of the Roof, or up

[Sched. I., Prelim. 5.]

up to Half the vertical Height of the Rafters, where the Roof has no such Tie above such Floor.

The Height of every other Storey shall be the clear Height thereof, exclusive of the Thickness of the Floor.

Measurement of Height of Walls. [Sched. I., Prelim. 6.]

44. The Height of an External or Party Wall shall be measured from the Top of the Footing to the highest Part of the Wall, exclusive of any Parapet in case of an External Wall.

Measurement of Length of Walls. [Sched. I., Prelim. 7.]

45. Walls shall be deemed to be divided into distinct Lengths by Return Walls. The Length of a Wall shall be measured from the Centre of one Return Wall to the Centre of another, provided that the Return Walls are External Walls, Party Walls, or Cross Walls of the Thickness prescribed by this Act, and are bonded into the Walls so deemed to be divided.

Limitation on Height of Warehouses, &c.

46. The Height of a new Building used or intended to be used wholly or in part for Purposes of Trade or Manufacture or the carrying on of any Business, and the Height of any old Building so used, any External Wall whereof is pulled down to any Point in the same within *Ten Feet* of the Footings of that Wall for the Purpose of being altered or rebuilt, shall not exceed *Sixty Feet*, measured from the lowest Level of the Footway or Pavement to the Eaves of the Roof, except where the Building abuts on a Street or other open Space which is at least *Forty Feet* wide, and then its Height shall not exceed *Sixty-five Feet* so measured; but the Board may, if they think fit, in any Case permit such Variation from the Provisions of this Section as Circumstances require.

Adaptation of old Buildings to Warehouse, &c. Purposes.

47. Where an old Building is altered or added to in order to its being used as a Warehouse, Manufactory, Brewery, or Distillery, such Alteration or Addition shall for Purposes of this Act be deemed to be the Erection of a new Building of the Warehouse Class.

Restriction on Union. [28. § 2.]

48. Buildings shall not be united if, when so united, they would, considered as One Building only, be in contravention of this Act.

Union only while in same Occupation. [28. §§1, 4.]

49. Buildings shall not be united unless they are wholly in One Occupation.

Where Buildings united cease to be in One Occupation, all Openings made in any Party Wall between them shall be stopped up with Brick or Stone Work, of the full Thickness of the Wall itself and properly bonded therewith.

PART

PART IV.—MINIMUM THICKNESS OF WALLS.

Subdivision of Part IV.

50. This Part of this Act shall be subdivided into Subdivisions, as follows:

Subdivision 1.—Buildings not Public or of Warehouse Class.
Subdivision 2.—Buildings of Warehouse Class.
Subdivision 3.—Cross Walls.
Subdivision 4.—General Provisions respecting Thickness of Walls.

SUBDIVISION 1.—*Buildings not Public or of Warehouse Class.*

[Sched. I., Part I.]

Application of Subdivision 1.

51. This Subdivision of this Part of this Act applies to the External Walls and Party Walls of Domestic Buildings and of all other Buildings, except Public Buildings and Buildings of the Warehouse Class, and to no other Walls.

Walls not exceeding Twenty-five Feet in Height.

52. Where the Wall does not exceed *Twenty-five Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Thirty Feet* in Length, and does not comprise more than *Two* Storeys, it shall be *Eight Inches and a Half* thick from its Base to its Top:

If it exceeds *Thirty Feet* in Length, or comprises more than *Two* Storeys, it shall be *Thirteen Inches* thick below the topmost Storey, and *Eight Inches and a Half* thick for the rest of its Height.

Walls not exceeding Thirty Feet in Height.

53. Where the Wall exceeds *Twenty-five Feet,* but does not exceed *Thirty Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Thirty-five Feet* in Length it shall be *Thirteen Inches* thick below the Two topmost Storeys, and *Eight Inches and a Half* thick for the rest of its Height:

If it exceeds *Thirty-five Feet* in Length it shall be *Thirteen Inches* thick below the topmost Storey, and *Eight Inches and a Half* thick for the rest of its Height.

Walls not exceeding Forty Feet in Height.

54. Where the Wall exceeds *Thirty Feet,* but does not exceed *Forty Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Thirty-five Feet* in Length, it shall be *Thirteen Inches* thick below the Two topmost Storeys, and *Eight Inches and a Half* thick for the rest of its Height:

If it exceeds *Thirty-five Feet* in Length, it shall be *Seventeen Inches and a Half* thick for the Height of One Storey, then *Thirteen Inches* thick for the rest of its Height below the topmost Storey, and *Eight Inches and a Half* thick for the rest of its Height.

Walls not exceeding Fifty Feet in Height.

55. Where the Wall exceeds *Forty Feet,* but does not exceed *Fifty Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Thirty Feet* in Length, it shall be *Thirteen Inches* thick below the topmost Storey, and *Eight Inches and a Half* thick for the rest of its Height:

If it exceeds *Thirty Feet,* but does not exceed *Forty-five Feet* in Length, it shall be *Seventeen Inches and a Half* thick for the Height of One Storey, then *Thirteen Inches* thick for the rest of its Height below the topmost Storey, and then *Eight Inches and a Half* thick for the rest of its Height:

If it exceeds *Forty-five Feet* in Length, it shall be *Twenty-one Inches and a Half* thick for the Height of One Storey, then *Seventeen Inches and a Half* thick for the Height of the next Storey, and then *Thirteen Inches* thick for the rest of its Height.

Walls not exceeding Sixty Feet in Height.

56. Where the Wall exceeds *Fifty Feet,* but does not exceed *Sixty Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Thirty Feet* in Length, it shall be *Seventeen Inches and a Half* thick for the Height of One Storey, and *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Thirty Feet,* but does not exceed *Fifty Feet* in Length, it shall be *Seventeen Inches and a Half* thick for the Height of Two Storeys, and *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Fifty Feet* in Length it shall be *Twenty-one Inches and a Half* thick for the Height of One Storey, then *Seventeen Inches and a Half* thick for the Height of the Two next Storeys, and then *Thirteen Inches* thick for the rest of its Height.

Walls not exceeding Seventy Feet in Height.

57. Where the Wall exceeds *Sixty Feet,* but does not exceed *Seventy Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Forty Feet* in Length, it shall be *Seventeen Inches and a Half* thick for the Height of Two Storeys, and *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Forty Feet* but does not exceed *Fifty-five Feet* in Length, it shall be *Twenty-one Inches and a Half* thick for the Height of One Storey, then *Seventeen Inches and a Half* thick for the Height of the Two next Storeys, and then *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Fifty-five Feet* in Length, it shall be *Twenty-six Inches* thick for the Height of One Storey, then *Twenty-one Inches and a Half* thick for the Height of the Two next Storeys, then *Seventeen Inches and a Half* thick for the

Height of the next Storey, and then *Thirteen Inches* thick for the rest of its Height.

Walls not exceeding Eighty Feet in Height.

58. Where the Wall exceeds *Seventy Feet*, but does not exceed *Eighty Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Forty Feet* in Length it shall be *Twenty-one Inches and a Half* thick for the Height of One Storey, then *Seventeen Inches and a Half* thick for the Height of the Two next Storeys, and *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Forty Feet*, but does not exceed *Sixty Feet* in Length, it shall be *Twenty-one Inches and a Half* thick for the Height of Two Storeys, then *Seventeen Inches and a Half* thick for the Height of the Two next Storeys, and then *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Sixty Feet* in Length, it shall be *Twenty-six Inches* thick for the Height of One Storey, then *Twenty-one Inches and a Half* thick for the Height of the Two next Storeys, then *Seventeen Inches and a Half* thick for the Height of the Two next Storeys, and then *Thirteen Inches* thick for the rest of its Height.

Walls not exceeding Ninety Feet in Height.

59. Where the Wall exceeds *Eighty Feet*, but does not exceed *Ninety Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Forty-five Feet* in Length, it shall be *Twenty-one Inches and a Half* thick for the Height of Two Storeys, then *Seventeen Inches and a Half* thick for the Height of the next Two Storeys, and then *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Forty-five Feet*, but does not exceed *Seventy Feet* in Length, it shall be *Twenty-six Inches* thick for the Height of One Storey, then *Twenty-one Inches and a Half* thick for the Height of the next Two Storeys, then *Seventeen Inches and a Half* thick for the Height of the next Two Storeys, and then *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Seventy Feet* in Length, it shall be *Thirty Inches* thick for the Height of One Storey, then *Twenty-six Inches* thick for the Height of the next Two Storeys, then *Twenty-one Inches and a Half* thick for the Height of the next Storey, then *Seventeen Inches and a Half* thick for the Height of the next Two Storeys, and then *Thirteen Inches* thick for the rest of its Height.

Walls not exceeding One hundred Feet in Height.

60. Where the Wall exceeds *Ninety Feet*, but does not exceed *One hundred Feet* in Height, its Thickness shall be as follows:

If it does not exceed *Forty-five Feet* in Length, it shall be *Twenty-one Inches and a Half* thick for the Height of Two Storeys, then *Seventeen Inches and a Half* thick for the Height of the next *Three* Storeys, and then *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Forty-five Feet,* but does not exceed *Eighty Feet* in Length, it shall be *Twenty-six Inches* thick for the Height of Two Storeys, then *Twenty-one Inches and a Half* thick for the Height of the next Two Storeys, then *Seventeen Inches and a Half* thick for the Height of the next *Two* Storeys, and then *Thirteen Inches* thick for the rest of its Height:

If it exceeds *Eighty Feet* in Length, it shall be *Thirty Inches* thick for the Height of One Storey, then *Twenty-six Inches* thick for the Height of the next *Two* Storeys, then *Twenty-one Inches and a Half* thick for the Height of the next *Two* Storeys, then *Seventeen Inches and a Half* thick for the Height of the next *Two* Storeys, and then *Thirteen Inches* thick for the rest of its Height.

Condition as to Storeys exceeding a certain Height.

61. If any Storey exceeds in Height *Sixteen* Times the Thickness prescribed for its Walls, the Thickness of each External and Party Wall throughout such Storey shall be increased to *One Sixteenth* Part of the Height of the Storey; but any such additional Thickness may be confined to Piers properly distributed, of which the collective Widths amount to *One Fourth* Part of the Length of the Wall.

Restriction in case of certain Storeys.

62. A Storey inclosed with Walls less than *Thirteen Inches* in Thickness shall not be made more than *Ten Feet* in Height.

Subdivision 2.—*Buildings of Warehouse Class.*

[Sched. I. Part II.] Application of Subdivision 2.

63. This Subdivision of this Part of this Act applies to the External and Party Walls of Buildings of the Warehouse Class, and to no other Walls.

Walls not exceeding Twenty-five Feet in Height.

64. Where the Wall does not exceed *Twenty-five Feet* in Height (whatever is its Length) it shall be *Thirteen Inches* thick at its Base.

Walls not exceeding Thirty Feet in Height.

65. Where the Wall exceeds *Twenty-five Feet,* but does not exceed *Thirty Feet* in Height, it shall be at its Base of the Thickness following:

If it does not exceed *Forty-five Feet* in Length, it shall be *Thirteen Inches* thick at its Base:

If it exceeds *Forty-five Feet* in Length, it shall be *Seventeen Inches and a Half* thick at its Base.

66. Where

Walls not exceeding Forty Feet in Height.

66. Where the Wall exceeds *Thirty Feet,* but does not exceed *Forty Feet* in Height, it shall be at its Base of the Thickness following:

If it does not exceed *Thirty Feet* in Length, it shall be *Thirteen Inches* thick at its Base:

If it exceeds *Thirty Feet,* but does not exceed *Sixty Feet* in Length, it shall be *Seventeen Inches and a Half* thick at its Base:

If it exceeds *Sixty Feet* in Length, it shall be *Twenty-one Inches and a Half* thick at its Base.

Walls not exceeding Fifty Feet in Height.

67. Where the Wall exceeds *Forty Feet,* but does not exceed *Fifty Feet* in Height, it shall be at its Base of the Thickness following:

If it does not exceed *Forty Feet* in Length, it shall be *Seventeen Inches and a Half* thick at its Base:

If it exceeds *Forty Feet,* but does not exceed *Seventy Feet* in Length, it shall be *Twenty-one Inches and a Half* thick at its Base:

If it exceeds *Seventy Feet* in Length, it shall be *Twenty-six Inches* thick at its Base.

Walls not exceeding Sixty Feet in Height.

68. Where the Wall exceeds *Fifty Feet,* but does not exceed *Sixty Feet* in Height, it shall be at its Base of the Thickness following:

If it does not exceed *Thirty-five Feet* in Length, it shall be *Seventeen Inches and a Half* thick at its Base:

If it exceeds *Thirty-five Feet,* but does not exceed *Fifty Feet* in Length, it shall be *Twenty-one Inches and a Half* thick at its Base:

If it exceeds *Fifty Feet* in Length, it shall be *Twenty-six Inches* thick at its Base.

Walls not exceeding Seventy Feet in Height.

69. Where the Wall exceeds *Sixty Feet,* but does not exceed *Seventy Feet* in Height, it shall be at its Base of the Thickness following:

If it does not exceed *Thirty Feet* in Length, it shall be *Seventeen Inches and a Half* thick at its Base:

If it exceeds *Thirty Feet,* but does not exceed *Forty-five Feet* in Length, it shall be *Twenty-one Inches and a Half* thick at its Base:

If it exceeds *Forty-five Feet* in Length, it shall be *Twenty-six Inches* thick at its Base.

Walls not exceeding Eighty Feet in Height.

70. Where the Wall exceeds *Seventy Feet*, but does not exceed *Eighty Feet* in Height, it shall be at its Base of the Thickness following:

If it does not exceed *Forty-five Feet* in Length, it shall be *Twenty-one Inches and a Half* thick at its Base:

If it exceeds *Forty-five Feet*, but does not exceed *Sixty Feet* in Length, it shall be *Twenty-six Inches* thick at its Base:

If it exceeds *Sixty Feet* in Length, it shall be *Thirty Inches* thick at its Base.

Walls not exceeding Ninety Feet in Height.

71. Where the Wall exceeds *Eighty Feet*, but does not exceed *Ninety Feet* in Height, it shall be at its Base of the Thickness following:

If it does not exceed *Sixty Feet* in Length, it shall be *Twenty-six Inches* thick at its Base:

If it exceeds *Sixty Feet*, but does not exceed *Seventy Feet* in Length, it shall be *Thirty Inches* thick at its Base:

If it exceeds *Seventy Feet* in Length, it shall be *Thirty-four Inches* thick at its Base.

Walls not exceeding One hundred Feet in Height.

72. Where the Wall exceeds *Ninety Feet*, but does not exceed *One hundred Feet* in Height, it shall be at its Base of the Thickness following:

If it does not exceed *Fifty-five Feet* in Length, it shall be *Twenty-six Inches* thick at its Base:

If it exceeds *Fifty-five Feet*, but does not exceed *Seventy Feet* in Length, it shall be *Thirty Inches* thick at its Base:

If it exceeds *Seventy Feet* in Length, it shall be *Thirty-four Inches* thick at its Base.

Thickness at Top of Walls and through intermediate Space.

73. The Thickness of the Wall at the Top, and for *Sixteen Feet* below the Top, shall be *Thirteen Inches*; and the intermediate Parts of the Wall between the Base and *Sixteen Feet* below the Top shall be built solid throughout the Space between straight Lines drawn on each Side of the Wall and joining the Thickness at the Base to the Thickness at *Sixteen Feet* below the Top:

Nevertheless in Walls not exceeding *Thirty Feet* in Height the Walls of the topmost Storey may be *Eight Inches and a Half* thick, provided the Height of such Storey does not exceed *Ten Feet*.

Condition as to Storeys exceeding a certain Height.

74. If in any Storey the prescribed Thickness of the Wall is less than *One Fourteenth* Part of the Height of the Storey, the Thickness of the Wall shall be increased to *One Fourteenth* Part of the Height of the Storey; but any such additional Thickness may be confined to Piers properly distributed, of which the collective Widths amount to *One Fourth* Part of the Length of the Wall.

Subdivision 3.—*Cross Walls.*

75. The Thickness of a Cross Wall shall be *Two Thirds* of the Thickness prescribed for an External or Party Wall of the same Dimensions and belonging to the same Class of Buildings, but never less than *Eight Inches and a Half.*

Thickness of Cross Walls. [Sched. I. Miscell.]

76. A Wall subdividing a Building shall not be deemed a Cross Wall until it is carried up to *Two Thirds* of the Height of the External or Party Walls, and unless the total Area of the Vertical Faces or Elevations of all the Recesses and that of all the Openings therein taken together does not exceed *One Half* of the whole Area of the vertical Face or Elevation of the Wall in each Storey.

Cross Wall, what. [Ibid.]

Subdivision 4.—*General Provisions respecting Thickness of Walls.*

77. Subdivisions 1. 2. and 3. of this Part of this Act apply only to Walls built of Bricks, not less than *Eight Inches and a Half* and not more than *Nine Inches and a Half* long.

Where a Wall is built of Stone, the Beds of the Masonry not being laid horizontally, its Thickness shall be *One Third* greater than that prescribed for Walls built of such Bricks.

A Wall built of Materials other than such Bricks or Stone as aforesaid shall be deemed to be of sufficient Thickness if made of the Thickness prescribed for Walls built of such Bricks, or of such less Thickness as the Board approve.

Walls not built of Bricks or of Stone in horizontal Beds. [Sched. I. Prelim. 3. Part I. 7., Part II. 7., Miscell. 2.]

78. The Thickness of Walls prescribed by this Part of this Act shall be the minimum Thickness.

Prescribed Thickness to be minimum. [Sched. I. Prelim. 4.]

79. The Diagrams contained in the Schedule to this Act may be taken as illustrating, but shall not be taken as controlling, the Provisions of this Part of this Act respecting the Thickness of Walls.

Diagrams in Schedule.

80. The Board may from Time to Time, by Order approved by Her Majesty in Council, alter in such Manner as they think expedient the Provisions respecting the Thickness of Walls contained in this Part of this Act or in any such Order.

Power for Board to alter Rules. [55.]

PART V.—CONSTRUCTION IN GENERAL.

Walls and Foundations.

Structure of Walls, Footings, Foundations, &c. [Sched. I. Prelim. 1.]

81. The External and other Walls of every Building inclosed with Walls shall be constructed of Bricks, well burnt, hard, and sound, and of such Sizes as to produce properly bonded Work, or of Stone or other hard and incombustible Substances.

The Footings of every such Wall shall rest on the solid Ground, or on Concrete, or on other solid Sub-structure as a Foundation.

Every such Wall shall have a Damping Course, that is to say, a Course of Slate laid in Cement, or Asphalte, or other Material impervious to Water, at a Height not exceeding *One Foot* above the Top of the Footing.

The Ground Surface or Site of every Dwelling House where not flagged over shall be covered with good Concrete at least *One Foot* in Thickness.

Construction of Walls of Brick, Stone, &c. [Sched. I. Prelim. 2.]

82. Every Wall constructed of Bricks, Stone, or other similar Substances shall be properly bonded and solidly put together with Mortar, compounded of sharp clean Sand or Grit and good Lime in proper Proportions, or with Cement.

Any Part of any such Wall shall not overhang any Part beneath it.

Return Walls shall be properly bonded together and into the External or other Main Walls, and shall have a double Course of Hoop Iron Bond inserted at the Angles, well lapped, at Intervals of not more than *Five Feet*.

The underpinning of Walls and Chimneys shall be built in Cement, or with Concrete, to the full Thickness of the Work, and shall rest on the solid Ground, or on Concrete, or on other solid Substructure, as a Foundation.

Footings.

Formation of Footings of Walls. [Sched. I Prelim. 8.]

83. The Projection of the Bottom of the Footing of every Wall on each Side of the Wall shall be at least equal to *One Half* of the Thickness of the Wall at its Base, except where an adjoining Wall interferes, in which Case the Projection may be omitted where such Wall adjoins.

The Top of the Footing of every Wall shall be at least *Three Inches* below the Surface of the lowest Ground or Area adjoining.

The Diminution of the Footing of every Wall shall be formed in regular Offsets.

The Height from the Bottom of the Footing to the Base of the Wall shall be at least equal to *One Half* of the Thickness of the Wall at its Base, and shall never be less than *Five Inches and a Half*.

External Walls and Walls of Separation.

Openings in External Walls. [13.]

84. Openings may be made in External Walls, provided—

(1.) That in any Wall the total Area of the Openings taken together does not exceed *One Half* of the whole Area of the vertical Face or Elevation of that Wall, except with the Approval of the Board:

(2.) That where an External Wall is not more than *Two Feet* distant from the nearest Building belonging to an Owner different from the Owner to whom the Building having that External Wall belongs, or from Ground in different Occupation or intended to be in different Occupation, no Opening whatever is left or made in that External Wall.

Support of Building with open Ground Storey.

85. Where a Building inclosed with Walls is constructed so as to leave on the Ground Storey, or on that Storey and another Storey or other Storeys, an Extent of Opening greater than *One Half* of the whole Area of the vertical Face or Elevation of the Wall of the Storey or Storeys in which such Opening is left, there shall be sufficient Piers of Brickwork or other Fire-resisting Material so disposed as to carry the Superstructure, exclusive of any Iron Supports; and in any Building so constructed there shall be such a Pier or Piers at the Corner or Angle of any Street on which the Building abuts.

Stopping up of Openings in External Walls and (Walls of Separation.)

86. If a Building Owner, without the Consent in Writing of the Adjoining Owner, makes any unauthorized Opening in an External Wall or Wall of Separation abutting on or being within *Two Feet* of the Building or Ground of the Adjoining Owner, the Adjoining Owner may serve on him a Requisition to stop up the Opening with Brick or Stone Work at his own Expense.

If within *One Month* after Service of the Requisition the Opening is not stopped up by the Building Owner at his own Expense, he shall be deemed guilty of an Offence against this Act, and shall for every such Offence be liable on summary Conviction to a Penalty not exceeding *Twenty Pounds*, and to a further Penalty not exceeding *Five Pounds* for every Day during which the Offence continues after the Day on which the First Penalty is incurred.

Recesses in External Walls. [13.]

87. Recesses may be made in External Walls, provided—

(1.) That the Back of any Recess is not of less Thickness than *Eight Inches and a Half:*

(2.) That where the Back of a Recess is of less Thickness than the prescribed Thickness of the Wall in which it is made, the total Area of the vertical Faces or Elevations of all the Recesses in that Wall and of the Openings therein (if any) taken together does not exceed *One Half* of the whole Area of the vertical Face or Elevation of that Wall.

Parapets to External Walls. [16.]

88. If a Gutter, any Part of which is formed of combustible Material, adjoins an External Wall, then that Wall must be carried up so as to form a Parapet *One Foot* at least above the highest Part of the Gutter; and the Thickness of the Parapet so carried up must be at least *Eight Inches and a Half* measured from the Level of the under Side of the Gutter Plate.

Timber in External Walls. [14.]

89. Loophole Frames of Wood may be fixed within *One Inch and a Half* of the Face of an External Wall; but all other Woodwork fixed in an External Wall (except Bressummers, and Storey Posts under Bressummers, and Frames of Doors and Windows of Shops on the Ground Storey,) shall be set back *Four Inches* at least from the outer Face of that Wall.

Party Walls.

Height of Party Walls. [17.]

90. Every Party Wall shall be carried up as follows:

(1.) Above the Roof, Flat, or Gutter of the highest Building adjoining thereto, to such Height as will give a Distance in a Building of the Warehouse Class of at least *Three Feet*, and in any other Building of at least *Fifteen Inches*, measured at Right Angles to the Slope of the Roof, or above the highest Part of any Flat or Gutter, as the Case may be:

(2.) Above any Turret, Dormer, Lantern Light, or other Erection fixed on the Roof or Flat of any Building within *Six Feet* from the Party Wall, and so as to extend at least *Twelve Inches* higher and wider on each Side than such Erection:

(3.) Above any Part of any Roof opposite to and within *Four Feet* from the Party Wall.

Recesses in Party Walls. [13.]

91. Recesses may be made in Party Walls, provided—

(1.) That the Back of any Recess is not of less Thickness than *Thirteen Inches*:

(2.) That an Arch is turned in each Storey over each Recess:

(3.) That the Side of any Recess nearest to the inner Face of an External Wall does not come within the Distance of *Thirteen Inches* therefrom:

(4.) That where the Back of a Recess is of less Thickness than the prescribed Thickness of the Wall of the Storey in which it is made, the total Area of the vertical Faces or Elevations of all the Recesses in the Wall of that Storey taken together does not exceed *One Half* of the whole Area of the vertical Face or Elevation of the Wall of that Storey.

Chases in Party Walls. [18.]

92. In a Party Wall a Chase shall not be made wider than *Nine Inches*, or more than *Four Inches and a Half* deep from the

Face of the Wall, or leaving less than *Eight Inches and a Half* in Thickness at the Back or opposite Side thereof, or within *Seven Feet* from any other Chase on the same Side of the Wall, or within *Thirteen Inches* from an External Wall.

Timber, &c. in Party Walls. [15.]

93. No Bond Timber or Wood Plate shall be built into a Party Wall.

No Beam, Joist, or other Timber shall be built into a Party Wall if the Wall is of a less Thickness than *Fourteen Inches.*

Any Timber taking a Bearing on a Party Wall shall be supported on a Corbel of Brick or Iron or vitrified Stoneware, tailed through the Thickness of the Wall, and of a sufficient Depth and Projection.

The End of a Beam or Joist bearing on a Party Wall shall be at least *Four Inches and a Half* distant from the centre Line of the Party Wall.

Bressummers.

Rules as to Bearings, &c. of Bressummers. [15.]

94. Every Bressummer bearing on a Party Wall must be borne by a Template or Corbel of Brick or Iron or vitrified Stoneware, tailed through at least Half the Thickness of the Wall, and of the full Breadth of the Bressummer.

Every Bressummer must have a bearing in the Direction of its Length of *Four Inches* at least at each End, on a sufficient Pier of Brick or Stone, or on a sufficient Iron Storey Post, fixed on a solid Foundation, in addition to its bearing on any Party Wall.

No Part of a Bressummer shall be placed nearer to the centre Line of a Party Wall than *Four Inches and a Half.*

Roofs.

Rules as to Construction of Roofs. [19.]

95. The Flat, Gutter, and Roof of every Building, and every Turret, Dormer, Lantern Light, Skylight, or other Erection placed on the Flat or Roof thereof, shall be externally covered with Slates, Tiles, Metal or other incombustible Materials, except the Doors, Door Frames, Windows, and Window Frames of such Turrets, Dormers, Lantern Lights, Skylights or other Erections.

Slope of Roofs. [19.]

96. The Plane of the Surface of the Roof of a Warehouse or other Building used either wholly or in part for Purposes of Trade or Manufacture shall not incline from the External or Party Walls upwards at a greater Angle than *Forty-seven* Degrees with the Horizon.

Rooms in Roofs.

97. In a Building used wholly or in part as a Dwelling House there shall not be more than One Storey of Rooms constructed wholly or partly in the Roof.

Trap Doors, &c. in Roof.

98. Every Building used wholly or in part as a Dwelling House shall be provided either with a Dormer Window, or a Door opening on to the Roof, or with a Trapdoor furnished with a fixed Step or Ladder properly constructed leading to the Roof, or with other proper Means of Access thereto.

Ventilation and Light.

Rules for inhabited Rooms. [23.]

99. Every Room constructed after the Commencement of this Act wholly or partly in the Roof of a Building, and inhabited or intended to be inhabited, shall be at least *Seven Feet* in Height from the Floor to the Ceiling throughout not less than *One Half* of the Area of the Room.

Every Room constructed after the Commencement of this Act, not being wholly or partly in the Roof of a Building, and being inhabited or intended to be inhabited, shall be at least *Seven Feet* in Height from the Floor to the Ceiling in every Part of the Room.

A Room in which any Person passes the Night shall be deemed inhabited within the Meaning of this Section; and a Room with respect to which Evidence is adduced giving rise to a probable Presumption that some Person passes the Night therein shall be deemed inhabited within the Meaning of this Section, until the contrary is shown.

If any Person knowingly suffers any Room that is not constructed in conformity with this Section to be inhabited, he shall for every such Offence (in addition to any other Liability under this Act or otherwise) be liable on summary Conviction to a Penalty not exceeding *Twenty Shillings* for every Day during any Part of which such Room is inhabited.

Nothing in this Section shall affect the Provisions of the Metropolis Management Acts respecting Cellars and underground Rooms.

Open Spaces near Dwelling Houses. [29.]

100. In every Building used or intended to be used as a Dwelling House, all Rooms therein, inhabited or intended to be inhabited, shall be lighted and ventilated directly from the Outside; and for that Purpose every such Building, unless all the Rooms therein can be lighted and ventilated directly from a Street or public Place or Ground adjoining, shall have in the Rear or on one Side thereof, or partly in the Rear and partly on one Side thereof, from *Three Feet* at least above the Level of the Ceiling of the Ground or Entrance Storey upwards, an open Space belonging to such Building, to the Extent of *One hundred Square Feet* at least; and at least One Window in every Storey of such Building shall open into that Space.

The Distance across such open Space between such Building and the opposite Building or Ground at the Rear or Side shall in all Cases be *Ten Feet* at least; if the Building is Two Storeys in Height above the Level of such open Space, such Distance across shall be *Fifteen Feet* at least; if such Building is *Three* Storeys in Height as aforesaid, such Distance across shall be *Twenty Feet* at least; and if such Building is more than *Three* Storeys in Height as aforesaid, such Distance across shall be *Twenty-five* Feet at least.

But all the Provisions of this Section shall be subject to Modification by Byelaw under this Act.

Basement Rooms.

101. Every Basement Room shall have a sufficient Space between the Ground and the Floor Surfaces to admit of Ventilation by means of Air Bricks or otherwise.

Projections and Decorations.

Rules as to Projections, &c. [26.]

102. Every Coping, Cornice, Facia, Window Dressing, Portico, Porch, Balcony, Verandah, and Balustrade, and every Projection or architectural Decoration whatsoever, and also the Eaves or Cornices of any overhanging Roof (except Cornices and Dressings of Window Fronts of Shops, and except Eaves and Cornices of detached and semi-detached Domestic Buildings distant at least *Fifteen Feet* from any other Building and from the Ground of any Adjoining Owner), shall, except with the Approval of the Board, be of Brick, Tile, Artificial Stone, vitrified Stoneware, Slate, Cement, or other Fire-resisting Material.

The Material of every Coping or Cornice shall be tailed into the Wall of the Building at least as much as the Thickness of the Wall.

The Material of every other Projection depending principally for Support on the Wall shall, together with any Corbels or Cantilevers, be tailed into the Wall at least *Nine Inches*, and be properly secured.

Construction of Finials and other Decorations.

103. The Brickwork or Stonework of any Finial or other Decoration on an External or Party Wall shall not be built higher above the Roof Flat or Gutter adjoining thereto, measured from the highest Point in the Line of Junction with the Roof, Flat, or Gutter, than a Height equal to *Six* Times the least Width of the Finial or other Decoration at the Level of the said highest Point.

Chimneys and Flues.

Chimneys on Corbels. [20. § 1.]

104. Chimneys built on Corbels of Brick or other vitrified Material may be introduced above the Level of the Ceiling of the Ground Storey, if the Work so corbelled out does not project from the Wall more than the Thickness of the Wall; but all other Chimneys shall be built on solid Foundations, and with Footings similar to the Footings of the Walls against which they are built.

Angles in Chimneys. [20. § 2.]

105. Chimneys and Flues having proper Doors of Cast Iron of not less than *Six Inches* square may be constructed at any Angle; but

but in every other Chimney or Flue the Angles shall be of an Obtuseness of not less than *One hundred and thirty* Degrees, and shall be properly rounded.

Arches, &c. for Chimneys. [20. § 3.]

106. An Arch of Brick or Stone, or a Bar of Wrought Iron, shall be built over the Opening of every Chimney, to support the Breast thereof; and if the Breast projects more than *Four Inches and a Half* from the Face of the Wall, and the Jamb on either Side is of less Width than *Seventeen Inches and a Half,* the Abutments shall be tied in by a Bar or Bars of Wrought Iron of sufficient Strength, turned up and down at the Ends, and built into the Jambs for at least *Eight Inches and a Half* on each Side.

Flues for Furnaces, &c.

107. An old or new Flue shall not be adapted to any new Furnace, Cockle, Steam Boiler, or close Fire used for any Purpose of Trade or Manufacture, unless such Flue is surrounded with Brickwork at least *Eight Inches and a Half* thick for a Distance of at least *Ten Feet* from the Fire.

An old or new Flue shall not be used in connection with a High Pressure Engine unless the Flue is at least *Twenty Feet* in Height measured from the Firebox of the Engine.

If any Person does any Act in contravention or fails to comply with the Requirements of this Section he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

Rendering, &c. of Flues. [20. § 4.]

108. The Inside of every Flue, and the Outside or Face thereof, next the Interior of any Building must be rendered, or pargeted, before the Roof is covered in, unless the whole Flue is lined with Fire-resisting Piping of Stoneware at least *One Inch* thick.

Marking of Flues. [14 Geo. 3. c. 78. s. 29.]

109. The Position and Course of every Flue shall be distinguished on the Outside of the Work as it is carried up by outline Marks of Limewash, or in some other durable Manner, (except where the Outside of the Flue forms Part of the outer Face of an External Wall not likely to be built against); and the Back of every such Flue shall be rendered or pargeted as soon as any Building is erected against the Wall in which the Flue is, at the Height of the Flue.

Width of Jambs. [20. § 5.]

110. The Jambs of every Chimney shall be at least *Eight Inches and a Half* wide on each Side of the Opening thereof.

Thickness of Backs, &c. [20. §§ 6–8.]

111. The Breast of every Chimney, and the Brickwork surrounding every Smoke Flue, shall be at least *Four Inches* in Thickness.

The Back of the Chimney Opening in a Kitchen, if in a Party Wall, shall be at least *Eight Inches and a Half* thick to the Height of at least *Six Feet* above the Mantel, or to the Level of the Ceiling of the Storey if within *Six Feet.*

The Back of every other Chimney Opening, from the Hearth up to the Height of *Twelve Inches* above the Mantel, shall be at least *Eight Inches and a Half* thick if in a Party Wall, or *Four Inches and a Half* thick if not in a Party Wall.

The Thickness of the external Covering of a Flue inside a Building when its Course makes with the Horizon an Angle of less than *Forty-five* Degrees shall be at least *Eight Inches and a Half.*

Height of Shafts. [20. §§ 9, 10.]

112. Every Chimney Shaft or Smoke Flue shall be carried up in Brick or Stone Work all round, at least *Four Inches* thick, to a Height of not less than *Three Feet* above the Roof, Flat, or Gutter adjoining thereto, measured at the highest Point in the Line of Junction with the Roof, Flat, or Gutter.

The Brickwork or Stonework of any Chimney Shaft, except that of the Furnace of any Steam Engine, Brewery, Distillery, or Manufactory, shall not be built higher above the Roof, Flat, or Gutter adjoining thereto, measured from the highest Point in the Line of Junction with the Roof, Flat, or Gutter, than a Height equal to *Six* Times the least Width of the Chimney Shaft at the Level of such highest Point in the Line of Junction, unless the Chimney Shaft is built with and bonded to another Chimney Shaft not in the same Line with the first, or otherwise made secure.

Slabs, &c. for Hearths, &c. [20. §§ 11–13.]

113. There shall be laid level with the Floor of every Storey, before the Opening of every Chimney, a Slab of Stone, or Slate laid on sound Mortar, Cement, or other incombustible and non-conducting Substance, at least *Twelve Inches* longer than the Width of such Opening, and at least *Eighteen Inches* wide in front of the Breast thereof.

On every Floor, except the lowest Floor, such Slab shall be laid wholly on Stone or Iron Bearers, or on Brick Arches, but on the lowest Floor it may be bedded on the solid Ground.

The Hearth and Slab of every Chimney shall be bedded wholly on Brick, Stone, or other incombustible Substance, which shall be solid for a Thickness of *Seven Inches* at least beneath the upper Surface of such Hearth, or of *Four Inches* at least beneath the upper Surface of such Slab (as the Case may be).

Flues, &c. affecting Party Structures. [20. §§ 14, 15.]

114. A Flue shall not be built against a Party Structure unless it is surrounded with new Brickwork at least *Four Inches* in Thickness, properly bonded.

A Chimney Breast or Shaft built with or in a Party Wall shall not be cut away unless the District Surveyor certifies that it can be done without injuriously affecting the Stability of the Building.

Cuttings into Chimney Shafts, &c. [20. § 16.]

115. A Chimney Shaft, Jamb, Breast, or Flue shall not be cut into, except for the Purpose of Repair, or the doing of some One or more of the following Things:

The letting in, removing, or altering of Smoke Jacks or Flues, Pipes, or Funnels for the Conveyance of Smoke, hot Air, or Steam:

The forming of Openings for Soot Doors, such Openings being fitted with a close Iron Door and Frame:

The making of Openings for the Insertion of Ventilating Valves, any such Opening not being made nearer than *Twelve Inches* to any Timber or combustible Substance.

Combustible Materials.

Timber near Chimney Openings, &c. [20. § 17.]

116. Timber or Woodwork shall not be placed—

In a Wall or Chimney Breast nearer than *Twelve Inches* to the Inside of a Flue or Chimney Opening:

Under a Chimney Opening within *Eighteen Inches* from the upper Surface of the Hearth thereof:

Within *Two Inches* from the Face of the Brickwork or Stonework about a Chimney or Flue where the Substance of the Work is less than *Eight Inches and a Half* thick, unless the Face of the Work is rendered.

If any Person does any Act in contravention of this Section he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

Wooden Plugs, &c. [20. § 17.]

117. A Wooden Plug shall not be driven nearer than *Six Inches* to the Inside of a Flue or Chimney Opening.

An Iron Holdfast or other Iron Fastening shall not be placed nearer than *Two Inches* to a Flue or Chimney Opening.

If any Person does any Act in contravention of this Section he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

Ovens, Stoves, &c. [21. § 1.]

118. The Floor under every Oven, Steamboiler, or Stove used for any Purpose of Trade or Manufacture, and the Floor around the same for a Space of *Eighteen Inches,* shall be formed of Materials of an incombustible and non-conducting Nature at least *Seven Inches* thick.

The setting of every such Oven, Steamboiler, or Stove shall be distant at least *Three Inches* from any Party Wall, and that Space shall be open.

If any Person does any Act in contravention or fails in any respect to comply with the Requirements of this Section he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

119. In a Domestic Building the Floor under and around every Stove shall be covered with Materials of an incombustible and non-conducting Nature, extending at least *Eighteen Inches* in front and *Six Inches* beyond the outer Sides and Back of the Stove, and having an open Space underneath of at least *Three Inches*, and not inclosed at the Sides except by necessary Supports.

Floors for Stoves in Domestic Buildings.

If any Person does any Act in contravention or fails in any respect to comply with the Requirements of this Section, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

120. A Pipe for conveying heated Air or Steam shall not be fixed nearer than *Six Inches,*—a Pipe for conveying hot Water above Two hundred and Twelve Degrees of Heat shall not be fixed nearer than *Three Inches,* —and a Pipe for conveying Smoke or other Products of Combustion shall not be fixed nearer than *Nine Inches,* —to any combustible Material.

Hot-air Pipes, &c. [21. §§ 3–5.]

If any Person does any Act in contravention or fails in any respect to comply with the Requirements of this Section, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

121. In every Building the Cubical Contents whereof exceed *One hundred and twenty-five thousand* Cubic Feet, and which is used or intended to be used as a Dwelling House for separate Families, and in every Public Building, the Floors of Lobbies, Corridors, Passages, and Landings, and the Stairs for common or public Use, shall be of Fire-resisting Material, carried by Supports of Fire-resisting Material.

Accesses and Stairs in certain Buildings. [22.]

122. Every Party Arch, and every Arch or Floor over a public Way or over a Passage leading through or under a Building or Part of a Building to any Building or Place at the Rear thereof not in the same Occupation, shall be formed of Brick, Stone, or other incombustible Materials. If an Arch of Brick or Stone is used, it shall, in Cases where its Span does not exceed *Nine Feet,* be of the Thickness of *Four Inches and a Half* at least. If an Arch or Floor of Iron or other incombustible Material is used, it shall be constructed in a Manner approved by the District Surveyor or the Board.

Arches over public Ways, &c. [24.]

Materials of Inclosures of Railway Arches.

123. Where an Arch under a Railway is inclosed, and is used by the Railway Company or any Person claiming under them for any

Clauses Bill, 1866.]

Purpose other than Railway Purposes, the Company shall cause the Inclosure thereof to be made and maintained of Fire-resisting Materials to the Satisfaction of the Board.

If the Company fail to comply with the Provisions of this Section they shall be guilty of an Offence against this Act, and shall for every such Offence be liable on summary Conviction to a Penalty not exceeding *Twenty Pounds*, and to a further Penalty not exceeding *Ten Shillings* for every *Twenty-four Hours* during which such Offence continues after the Day on which the first Penalty is incurred.

Woodwork of Shop Fronts. [26. § 3.]

124. No Part of the Woodwork of a Shop Front shall be fixed higher than *Eighteen Feet* above the Level of the nearest public Way, or nearer than *Four Inches and a Half* to the Line of Junction of any adjoining Building; and a Pier or Corbel of Brick or other Fire-resisting Material shall be built or fixed next to such adjoining Building as high as any such Woodwork is fixed, and projecting at least to the Extent of such Woodwork.

PART VI.—PARTY STRUCTURES.

Party Structures out of Repair, &c. [83. §§ 1, 2, 88. §§ 1, 2.]

125. A Building Owner shall have a Right to do any of the following Things:

(1.) To make good, underpin, or repair any Party Structure that is defective or out of Repair:

(2.) To pull down and rebuild any Party Structure that is so far defective or out of Repair as to make it necessary or desirable to pull it down.

The Expense of such making good, underpinning, or repairing, or of such pulling down and rebuilding, shall be borne by the Building Owner and the Adjoining Owner, in proportion to the Use that each makes of the Party Structure.

Timber, &c. Partitions. [83. § 3., 88. § 3.]

126. A Building Owner shall also have a Right to pull down any unauthorized Timber or other Partition that divides Buildings, and to build instead thereof a Party Wall in conformity with this Act.

The Expense of building the Party Wall and that of building any additional Party Structure required by reason of the Partition having been pulled down shall be borne by the Building Owner and the Adjoining Owner, in proportion to the Use that each makes of the Party Wall and of the additional Party Structure (if any), regard being had to the Thickness required for the respective Buildings parted thereby.

127. A Building Owner shall also have a Right, in the Case of Buildings having Rooms or Storeys belonging to different Owners intermixed, to pull down, wholly or partially, any such Room or Storey being unauthorized, or any unauthorized Part thereof, and to rebuild the same in conformity with this Act.

Rooms, &c. of different Owners intermixed. [83. § 4., 88. § 4.]

The Expense of such pulling down and rebuilding shall be borne by the Building Owner and the Adjoining Owner, in proportion to the Use that each makes of the Room or Storey, or the Part of a Room or Storey, pulled down and rebuilt.

128. A Building Owner shall also have a Right, in the Case of Buildings connected by an Arch or Communication over a public Way or over a Passage belonging to different Owners, to pull down, wholly or partially, any such Arch or Communication being unauthorized, or any unauthorized Part thereof, and to rebuild the same in conformity with this Act.

Buildings connected by Archways, &c. [83. § 5., [88. § 5

The Expense of such pulling down and rebuilding shall be borne by the Building Owner and the Adjoining Owner, in proportion to the Use that each makes of the Arch or Communication affected.

129. A Building Owner shall also have a Right to do any of the following Things:

Raising, pulling down, cutting into, Party Structures, &c. [83. §§ 6–11., 88. §§ 6–9.]

(1.) To raise any Party Structure permitted by this Act to be raised, or any External Wall built against such Party Structure, on condition of doing the following Things, namely,—making good all Damage occasioned thereby to the adjoining Building or to the internal Finishing and Decorations thereof, and carrying up to the requisite Height all Flues and Chimney Stacks belonging to the Adjoining Owner on or against the Party Structure or External Wall:

(2.) To pull down any Party Structure that, although of proper Materials, and sound, and not so far defective or out of Repair as to make it necessary or desirable to pull it down, yet is of insufficient Strength for any Building intended to be built, and to rebuild the same of sufficient Strength for that Purpose, on condition of making good all Damage occasioned thereby to the adjoining Building or to the internal Finishing and Decorations thereof, and all reasonable Expenses occasioned thereby to the Adjoining Owner, and of making reasonable Compensation for any Loss caused thereby to him:

(3.) To cut into any Party Structure, on condition of making good all Damage ocasioned thereby to the adjoining Building:

(4.) To cut away any Footing or any Chimney Breast, Jamb, or Flue projecting from any Party Wall, in order to erect an External Wall against that Party Wall or for any other Purpose, on condition of making good all Damage occasioned thereby to the adjoining Building:

(5.) To cut away or take down such Parts of any Wall or Building of an Adjoining Owner as are necessary to be cut away or taken down in consequence of the Wall or Building overhanging the Ground of the Building Owner, in order to erect an upright Wall against the same, on condition of making good any Damage occasioned thereby to the Wall or Building:

(6.) To raise a Party Fence Wall for a Building:

(7.) To pull down a Party Fence Wall, and build a Party Wall, such Party Wall not projecting further on the Ground of the Adjoining Owner than the Party Fence Wall did, except as far as regards the Footing of the Party Wall:

(8.) To execute any other Work incident to the Connexion of Party Structure with the Building adjoining thereto.

The Expense of the Exercise by the Building Owner in any respect of the Right conferred by this Section shall be borne by the Building Owner.

Right to place Footing on adjoining Ground.

130. Where the Owner of Ground intends to build thereon, and any Ground adjoining thereto is not built on at the Part where the Footing of any Party Wall of the intended Building or of any Wall of Separation will be placed, the Owner of the Ground intended to be built on shall be deemed a Building Owner, and the Person who would be the Adjoining Owner if the adjoining Ground were built on at that Part shall be deemed the Adjoining Owner; and the Building Owner shall have a Right, at his own Expense, to place on the adjoining Ground the projecting Footing of the intended Party Wall or Wall of Separation and any Concrete thereunder.

Right of Adjoining Owner to Works. [84.]

131. Where a Building Owner, as such, proposes to exercise any of his Rights, the Adjoining Owner shall be entitled to the Construction by the Building Owner on the Party Structure of any Chimney Jambs or Breasts, Flues, Piers, Recesses, or other like Works, for the Convenience of the Adjoining Owner, the Execution of which will not be injurious to the Building Owner, or cause him unnecessary Inconvenience or Delay in the Exercise of his Right.

Notice by Building Owner. [85. §§ 1, 2.]

132. A Building Owner, as such, shall not,—except with the Consent in Writing of the Adjoining Owner, and of the Occupier of the adjoining Building or Ground affected by the Execution of any Work of the Building Owner,—and except where a Party Structure is dangerous, in which Case the Part of this Act relative to Dangerous Structures shall apply,—exercise any of his Rights in relation to a Party Fence Wall unless at least *One Month*, or exercise any of his Rights in relation to any Party Structure other than a Party Fence Wall, unless at least *Two Months*, before doing so, he has served on the Adjoining Owner, and also on the Occupier of the adjoining Building or Ground, a Notice stating the Nature and Particulars of the proposed Work and the Time at which it is proposed to be begun, nor shall any such Notice be available for the Exercise of any such Right, unless the Work to which the Notice relates is begun within *Six Months* after the Service thereof, and is prosecuted with due Diligence and without Intermission, except when the Prosecution thereof is prevented by Weather or some reasonable Cause.

Requisition by Adjoining Owner. [85. §§ 4, 5.]

133. At any Time within *One Month* after the Service of such Notice the Adjoining Owner may serve on the Building Owner a Requisition to build on the Party Structure any Works to the Construction of which the Adjoining Owner, as such, is entitled, specifying the Works, and (if the Character of the Works so requires) accompanied with explanatory Plans and Drawings.

Consent to be expressed. [85. § 6.]

134. If either Owner does not, within *Fourteen Days* after the Service on him of any such Notice or Requisition (as the Case may be), express his Consent thereto, he shall be considered as having dissented therefrom.

Power for Building Owner to enter. [86.]

135. When a Building Owner, as such, has become entitled to execute any Work, he, his Agents, Servants, and Workmen, may, at all usual Times of working, enter on the Building or Ground of the Adjoining Owner for the Purpose of executing and may execute that Work (removing any Furniture or doing any other Thing necessary); and if the Building or Ground of the Adjoining Owner is closed, he or they may, accompanied by a Constable, break open any Door in order to such Entry; and if any Owner or other Person wilfully hinders or obstructs or causes or procures to be hindered or obstructed any Person employed for any of the Purposes aforesaid, or wilfully damages or injures the Work, or causes or procures it to be damaged or injured, every such Owner and every such other Person shall for every such Offence be liable, on Summary Conviction, to a Penalty not exceeding *Ten Pounds*.

Mode of Exercise of Rights. [85. § 3.]

136. A Building Owner, as such, shall not exercise any of his Rights in such Manner or at such Time as to cause unnecessary

Inconvenience either to the Adjoining Owner or to the Occupier of the adjoining Building or Ground.

Security by Building Owner, if required. [87.]

137. The Adjoining Owner may, if he thinks fit, serve a Requisition on the Building Owner, requiring him, before beginning any Work, to give Security for Payment of such Costs and Compensation as will become payable by the Building Owner.

Penalty on Building Owner failing to perform Conditions, &c. [94.]

138. Where a Building Owner, as such, is liable to make good any Damage occasioned to the Property of the Adjoining Owner, or to do any Thing on condition only of his doing which his Right arises, and he fails to do so within a reasonable Time, he shall (independently of any other Liability to which he may be subject) be deemed guilty of an Offence against this Act, and shall, for each Day during which such Failure continues, be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

Recovery of Expenses of Works from Adjoining Owner. [89–91.]

139. A Building Owner, within *One Month* after completing any Work which he is by this Part of this Act authorized or required to execute, and the Expense of which is to be borne wholly or partially by the Adjoining Owner, may serve on the Adjoining Owner an Account in Writing of the Expense of the Work, specifying any Deduction to which the Adjoining Owner is entitled in respect of old Materials or otherwise.

Every such Work shall be estimated and valued at fair average Rates and Prices, according to its Nature and Situation, and to the Market Price of Materials and Labour at the Time of the Execution of the Work.

At any Time within *One Month* after the Service of such Account the Adjoining Owner, if dissatisfied therewith, may declare his Dissatisfaction by Notice served on the Building Owner, specifying the Grounds of his Dissatisfaction.

Otherwise, he shall be deemed to have accepted the Account, and shall pay the Amount thereof on Demand to the Building Owner, and if he fails to do so the Amount may be recovered as a Debt.

Vesting of Property in case of Delay by adjoining Owner. [92.]

140. Where the Adjoining Owner is liable to contribute to the Expenses of building any Party Structure the Building Owner at whose Expense it was built shall, by virtue of this Act, have the sole Property therein, and in the Ground whereon it stands, from the Time when the Contribution is due and payable until it is paid; and the Amount of the Contribution when due and payable shall become and be a Charge on the adjoining Building or Ground, and shall be borne by the Owner thereof for the Time being at any Time thereafter.

Expenses incurred on Requisition of adjoining Owner. [93.]

141. The Adjoining Owner shall be liable for all Expenses incurred on his Requisition by the Building Owner, and in default of Payment the same may be recovered from him as a Debt.

Compensation to Occupier.

142. If in the Execution of any Work by this Part of this Act authorized or required any Loss or Injury is occasioned or done to any Occupier (not being Owner) of any Building or Ground affected by the Execution of such Work, such Occupier shall be entitled to Compensation, and the same shall be deemed Part of the Expense of the Execution of such Work, and shall accordingly be paid by the Building Owner and the Adjoining Owner, or One of them, according as the Expense of the Work is to be borne by them or One of them.

Consent, &c. in case of Disability. [95.]

143. Where under this Part of this Act any Consent is required to be given, any Notice or Requisition to be served, or any other Thing to be done by, on, or to an Owner who is at the Time under Disability, the same may be respectively given, served, and done as follows:

By, on, or to a Husband on behalf of his Wife:

By, on, or to a Trustee on behalf of his Cestuique Trust:

By, on, or to a Guardian or Committee on behalf of an Infant or Lunatic.

Consent where Persons not to be found, &c. [96.]

144. Where under this Part of this Act any Consent is required to be given or any Thing is required to be done by any Owner, if there is not any Owner capable of giving such Consent or of doing such Thing, and there is not any Person empowered by this Act to give or do the same on behalf of such Owner, or if any Owner so capable or any Person so empowered cannot be found, a Justice may give the Consent, or do the Thing, or cause it to be done, on behalf of the Owner, on such Terms and subject to such Conditions as he thinks just, and may, if he thinks fit, dispense with Service on the Owner of any Notice otherwise requisite to be served.

[56.] [Building Act of 1860, 23 & 24 Vict. c. 52.]

Part VII.—Buildings of Cubical Contents exceeding 216,000 Cubic Feet.

Buildings of more than 216.000 Feet to conform with this Part.

145. Buildings the cubical Contents whereof exceed *Two hundred and sixteen thousand Cubic Feet* shall (besides being in conformity with other Parts of this Act applicable thereto) be in conformity with this Part of this Act, except with the Approval of the Board.

Division by Party Walls. [27, § 4.]

146. A Building which is used or intended to be used wholly or in part for Purposes of Trade or Manufacture or the carrying on of any Business, and the cubical Contents whereof exceed *Two hundred and sixteen thousand Cubic Feet,* shall be divided by Walls built in conformity with the Provisions of this Act relative to Party Walls in such Manner that the cubical Contents of each Division will not exceed *Two hundred and sixteen thousand Cubic Feet.*

In case of Enlargement, Division by Party Walls.

147. A Building which is used or intended to be used wholly or in part for Purposes of Trade or Manufacture or the carrying on of any Business shall not be enlarged so that its cubical Contents will exceed *Two hundred and sixteen thousand Cubic Feet,* unless it is divided by Walls (built in conformity with the Provisions of this Act relative to Party Walls) in such Manner that the cubical Contents of each Division will not exceed *Two hundred and sixteen thousand Cubic Feet.*

Openings in Party Walls. [28, § 3.]

148. No Opening may be made in a Party Wall dividing Buildings both or either of which are or is used or intended to be used wholly or in part for Purposes of Trade or Manufacture or the carrrying on of any Business, and the cubical Contents of which, taken together, would exceed *Two hundred and sixteen thousand Cubic Feet.*

Communications between Buildings. [28, § 3.]

149. Where Buildings, both or either of which are or is used or intended to be used wholly or in part for Purposes of Trade or Manufacture or the carrying on of any Business, are united in conformity with other Parts of this Act, and the cubical Contents of the Buildings taken together exceed *Two hundred and sixteen thousand Cubic Feet,* and the Buildings are not separated from each other by a public Way, there shall not be any Communication left or made between them except by means of Doorways in their External Walls, and Galleries or Bridgeways, constructed in conformity with the following Provisions:

(1.) Every such Doorway shall be an Opening not exceeding in Width *Seven Feet,* or in Height *Eight Feet,* and shall have the Floor Jambs and Head formed of Brick or Iron, and shall be closed either with a Wrought Iron Door *One Fourth* of an Inch thick in the Panel, fitted to a rebated Frame without Woodwork, or with sliding Wrought Iron Doors of the same Thickness, *Eight Inches* wider and *Four Inches* higher than the Opening on the Top and Sides, the Bolts, Hinges, Locks, and other Supports being of Wrought Iron or Steel, and of sufficient Number, Size, and Strength to keep the Door or Doors in position when exposed to Heat:

(2.) Any *Two* such Doorways may open on a Gallery or Bridgeway constructed of Fire-resisting Materials, not exceeding *Seven Feet* in Width, and not inclosed, except by a Handrailing of open Ironwork:

(3.) Such Doorways, whether made in opposite External Walls or made in the External Walls of adjoining Buildings, shall be distant from one another not less than *Twelve Feet* measured between the nearest Sides of the Doorways:

(4.) The Space through which the Gallery or Bridgeway is carried shall be open to the Sky, and shall be of an Area equal to a Space not less than *Twenty Feet* Square or *Four* Squares:

(5.) If such Area is inclosed with Walls so as to become a Well-Hole, and contains less than *Thirty Feet* Square or *Nine* Squares, there shall be no Openings in the Walls, except such Doorways, and no more than *One* Couple of Doors shall be allowed for each Square of Area:

Provided that where Buildings which have been united are so constructed as not to admit of the Use of such Doorways, then external Staircases or Staircases intermediate between Buildings with Galleries of Communication, such Staircases and Galleries being constructed of Fire-resisting Materials, may, with the Approval of the Board, be added thereto.

PART VIII.—PUBLIC BUILDINGS.

Construction of Public Buildings. [30.]

150. Every Public Building, including the Walls, Roofs, Floors, Galleries, and Staircases thereof, shall be constructed in such Manner and with Accesses of such Number and Width (subject to the Directions of any Byelaws under this Act) as the Board on Application made to them in any Case determine, and not otherwise.

Adaptation of old Buildings to public Purposes.

151. Where an old Building is altered or added to in order to its being used as a Public Building, such Alteration or Addition shall for Purposes of this Act be deemed to be the Erection of a new Public Building.

Other Provisions of Act applied. [30.]

152. Subject to the Provisions of this Part of this Act, and except as otherwise expressly provided in this Act, every Public Building shall be deemed to be included in the Term Building throughout this Act, and shall be subject to all the Provisions of this Act accordingly, as if it were not a Public Building.

PART IX.—FIRE-RESISTING BUILDINGS.

What Buildings Fire-resisting.

153. A Building constructed in conformity with this Part of this Act shall for Purposes of this Act be deemed a Fire-resisting Building.

Material of Arches.

154. Arching for Support of Floors shall be constructed of hard well-burnt Bricks, laid in Mortar composed of sharp clean Sand or Grit and good Lime in proper Proportions, or in Cement, carried on Wrought-iron Girders, and the Thickness of the Arch shall be at least *Nine Inches* for a Span of *Ten Feet*, and shall increase at least *Four Inches* for every additional *Five Feet* of Span.

Formation of Floors.

155. Floors may be formed of Brick, Slate, or Iron supported by sufficient Wrought-iron Girders.

Paving of Floors.

156. Paving of Floors above Arches or Stone or Slate shall be of Concrete or Brickwork, or of Wood made incombustible, for the Distance of *Five Feet* in every Direction from any external Opening therein for receiving or delivering Goods; any such Pavement of Wood being executed in a workmanlike Manner, with sufficient Blocks.

Materials of Roofs.

157. The Roof shall be constructed entirely of Iron, with Slates or Tiles, fastened without Wood in or about the same.

Width of Streets, Squares, or Courts.

158. The Building shall be built in some Street, Square, or Court in which, for the whole Front of such Building, there is a Space of at least *Forty Feet* in Width between such Building and any Building opposite to it.

Wrought-Iron Door Frames, &c.

159. Doors and Door Frames whether external or in Staircases, and Door Sills and Heads, shall be of Brass or Wrought or Cast Iron, and Window Shutters and Frames shall be of Wrought Iron.

Window Openings above Roofs.

160. No Window or other Opening shall be made in an External Wall above the Roof of any adjoining Building; and Windows shall open only on a Street, or a Quay, Yard, or Area.

Distance between Windows and Doors.

161. Every Opening for a Door or Window that is nearer than *Eight Feet* (measured along the Outside of the External Wall) to any Opening of a Door or Window in any other Building shall have a Wrought-iron Door or a Wrought-iron Shutter.

162. Where Openings in an External Wall are towards any open Quay or any similar open Space, such Quay or Space being clear of any Building, or towards any Street, including any other open Space immediately adjoining and open thereto, then—

Open Space in front of Buildings

(1.) If such Quay, Space, or Street is less than *Forty Feet* wide, and not less than *Thirty Feet* wide, Doors and Windows without Shutters fronting thereto, and their respective Frames, may be of Cast Iron, so long as such Width of Quay, Space, or Street remains so open:

(2.) If such Quay, Space, or Street is less than *Thirty Feet* wide, Doors and Window Shutters fronting thereto shall be of Wrought Iron; and Door Jambs, Heads, and Sills, and all Frames for Window Shutters, and all other external Finishings, shall be of Cast Iron, except in Rooms not used as Warehouse or Forwarding Rooms, which Rooms, if immediately under a Room used as a Warehouse or Forwarding Room, shall be covered with such Arching as that required for the Support of Floors:

But the said respective Widths shall not be deemed to be limited merely by the Wall of any lawful Landing or Shipping Quay or Yard, or other Space not used for the Deposit of Goods, or by any Erection on any such Quay for the Convenience of the Officers of Her Majesty's Revenue, and for the Covering and Protection of Goods landed from or to be shipped in any Ship or Vessel at such Quay, as long as there is no other Building than the Wall and such Erection, or either of them, between the Fire-resisting Building and the respective Widths required.

163. Where *One Half* at least of the entire Frontage of any Street in which a Fire-resisting Building is situate is occupied on the Side opposite thereto by Dwelling Houses, or Buildings of not greater Risk as to Fire than Dwelling Houses, then, provided such Street alone, or together with any open Space as aforesaid, is at least *Thirty Feet* wide, the several Doors, and their Jambs or Heads and Sills, and the Window Shutters and Frames, and all other external Finishings, in any Fire-resisting Building, so placed as to have a clear Distance from any other such Building on the opposite Side of such Street of the respective Widths specified in the foregoing Provisions of this Part of this Act, shall be of the Materials thereby allowed.

Streets partly occupied by Fire-resisting Buildings.

164. If the Building is situate in a private Square or Court in more than One Side of which, or in more than One of the Buildings surrounding or adjoining which, there are Windows, Doors, or other

Windows, Doors, and other Openings in private Square or Court.

other Openings, all such Doors shall be of Wrought Iron, and every such Window or other Opening shall have Shutters of Wrought Iron, and all Door Jambs, Heads, and Sills, and all Frames for Window Shutters, and all other external Finishings, shall be of Wrought or Cast Iron.

Staircases.

165. Stairs, Steps, and Landings in Staircases shall be of Fire-resisting Materials, partitioned off from the several Rooms by Brick Walls not less than *Thirteen Inches* thick.

Iron Doors and Shutters.

166. Doors and Shutters required to be of Wrought Iron shall be of sufficient Strength, and be closely fitted to the Apertures, and consist of Plates not less than a *Quarter* of an Inch thick; and where a Door or Shutter contains an Area exceeding *Six* Superficial Feet, it shall have Rails and Stiles of Wrought Iron *Three* Inches wide, and a *Quarter* of an Inch thick, riveted on the Plate, or shall otherwise be strengthened by Ribs, Rails, or Bars of Wrought Iron equal in Strength to such Rails or Stiles.

Door Sills.

167. In all Cases in which Door Sills are required to be of Iron the Sill in the Cellar or other lowest Floor, if of Stone, shall be deemed excepted.

Other Rules to be observed.

168. In all other respects the Construction of the several Parts shall be in conformity with other Parts of this Act applicable thereto.

Extent of Fire-resisting Materials in building.

169. Notwithstanding anything in this Part of this Act, a Building shall not be deemed a Fire-resisting Building unless *Three Fourths* at least of the Materials used in the Construction thereof are Fire-resisting, and so disposed that they are capable of Exposure to Fire without Destruction or serious Injury for a longer Time than the Materials of ordinary Buildings, and that no undue Weight is dependent for Support on Cast Iron or Wrought Iron alone.

PART X.—SPECIAL BUILDINGS.

Buildings to which Rules inapplicable. [56, 57, 58, 60, 61.]

170. Where any Building or Work is proposed to be erected or executed, and it is shown to the Satisfaction of the Board that it is not necessary or expedient to require that the same be erected or executed in conformity with this Act, or that this Act does not contain any Provisions applicable thereto, or that the Provisions of this Act are for any Reason inapplicable thereto, the same may be erected or executed in such Manner and on such Terms and Conditions as the Board approve, and not otherwise.

PART XI.—SUPERVISION OF BUILDINGS BY DISTRICT SURVEYOR.

171. Every Building, and every Work done to, in, or on a Building, shall be subject to the Supervision of the District Surveyor.

Buildings and Works to be under Surveyor. [31, 39.]

The District Surveyors (each with respect to Buildings and Works within his District) shall cause the Provisions of this Act, and of any Byelaws under this Act, and any Directions of the Board respecting any Buildings or Works, to be observed.

172. Where any Building, or any Work to, in, or on a Building, is about to be commenced, then *Two clear Days* before it is commenced,—and where any Building or any such Work is, after the Commencement thereof, suspended for any Period exceeding *Three Months*, then *Two clear Days* before it is resumed,—and where, during the Progress of any Building or of any such Work, the Builder employed thereon is changed, then *Two clear Days* before any new Builder enters on the Continuance thereof,—the Builder employed, or, if there is not any Builder employed distinct from the Owner of the Building on or in connexion with which the Work is executed, then the Owner of the Building, or other the Person causing or directing the Work to be executed, shall serve on the District Surveyor a Notice in Writing of such Building or Work (in this Act called a Building Notice).

Notice to be given to District Surveyor by Builder. [38.]

173. Every Building Notice shall state the Situation, Area, Height, Number of Storeys, and intended Use of the Building or Work respecting which Notice is required, and the Number of Buildings, if more than One, and the Particulars of the proposed Work, and the Christian Name, Surname, and Address of the Person giving the Notice, and those of the Owner of the Building.

Contents of Notice. [38.]

Any Works in progress at the same Time to, in, or on the same Building may be included in One Building Notice.

174. A Building Notice shall be Evidence against the Person giving it of the Nature of the Building or Work to which it purports to relate.

Notice to be Evidence of intended Works. [40.]

175. If any Person who ought to give a Building Notice fails to do so, or executes any Work of which he ought to give a Building Notice before serving the same,—or if any Person, having duly served

Penalty for neglect to give Notice. [41.]

a Building Notice of any Work, executes the same before the Expiration of *Two clear Days* from the Time of serving such Notice,—every such Person shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

In Emergency Work may be begun without Notice. [44.]

176. If by reason of any Emergency any Act or Work is required to be done immediately or before a Building Notice respecting it can be given, then it shall be lawful to do the Act or Work so required to be done, on condition that before the Expiration of *Twenty-four Hours* after the Act or Work has been begun Notice thereof is served on the District Surveyor.

Notice by District Surveyor in case of Irregularity. [45.]

177. In the following Cases, namely,—

If in the Erection of any Building, or the doing of any Work to, in, or on any Building, anything is done in contravention of this Act, or anything required by this Act is omitted; or

If a Building Notice has not been duly served and the District Surveyor on surveying or inspecting any Building or Work finds that the same is so far advanced that he cannot ascertain whether anything has been done in contravention of this Act, or whether anything required by this Act has been omitted;—

In every such Case the District Surveyor may serve on the Builder erecting the Building or doing the Work Notice in Writing, requiring him, within *Forty-eight Hours* from Service of the Notice, to cause anything done in contravention of this Act to be amended, or to do anything required to be done by this Act, but omitted, or to cause so much of any Building or Work as prevents the District Surveyor from ascertaining whether anything has been so done or omitted, to be to a sufficient Extent cut into, laid open, or pulled down.

Notice to Owner where no Builder.

178. In the following Cases, namely,—

(1.) Where there is not any Builder employed distinct from the Owner of the Building on or in connexion with which any Work is executed;

(2.) Where, in the Execution of any Work affected by this Act, the Board think fit to require that Proceedings be taken otherwise than against the Builder;—

The Board may direct a Notice to be served on the Owner or Occupier of the Building, or other the Person causing or directing the Work to be executed, instead of on the Builder, if any, and thereupon such of the Provisions of this Act as relate to the Builder shall apply to such Owner, Occupier, or other Person; but nothing in this Section shall prejudice any Remedy of such Owner, Occupier, or other Person against the Builder.

179. If

On Noncompliance with Notice, Proceedings before Magistrate. [46.]

179. If the Person on whom such Notice is served fails to comply with the Requisitions thereof within *Forty-eight Hours* from the Service of the Notice the District Surveyor may make Complaint of such Noncompliance before a Justice, who may, if he sees good Cause, order the Person in default to comply with the Requisitions of the Notice, or such of them as in the Opinion of the Justice are authorized by this Act, within a Time specified in the Order.

Any Person on whom any such Order is made shall be, by virtue of this Act and of the Order, authorized to enter on the Building or Ground to which the Order relates, and to comply with and execute the Order.

Proceedings on Noncompliance with Order of Magistrate. [47.]

180. If the Order is not complied with and executed the Person on whom it is made shall be liable on summary Conviction to a Penalty not exceeding *Twenty Pounds* for every Day of the Continuance of such Noncompliance, and in addition thereto the Board may, if they think fit, with a sufficient Number of Officers and Workmen, enter on the Building or Ground, and do all Things necessary for executing the Order.

All Expenses incurred by the Board in or about the Execution of any such Order may be recovered from the Person on whom such Order is made, on Complaint before a Justice, or, where that Person is not the Owner, may be recovered from the Owner of the Building, on Complaint before a Justice; and if the Owner cannot be found, or if, on Demand, he fails to pay the Expenses, the Board shall have the same Power of taking and selling the Building in respect of which the Order is made, and of applying the Proceeds, as the Commissioners have under this Act in Cases of Dangerous Structures and the Provisions of this Act in that Behalf shall apply.

Power of Entry. [42.]

181. The District Surveyor, on Receipt of a Building Notice, and also from Time to Time during the Progress of any Building or Work, and during a Period of *Seven Days* after its Completion, may, as often as he thinks necessary or proper, enter, inspect, and survey the Building or Work.

The District Surveyor may, at any Time, while any Proceeding under this Act is pending before a Justice or otherwise respecting any Building or Work, as often as he thinks necessary or proper, enter, inspect, and survey the Building or Work.

Where a Building has been erected or Work done without Notice being duly given to the District Surveyor, or is not in conformity with this Act, the District Surveyor may, at any Time within *One Month* after he has discovered or has reasonable Ground for suspecting that the Building has been erected or Work done, or that it is not in conformity with this Act, enter, inspect, and survey the Building or Work.

From what Period Time to run. [105.]

182. The Time limited for the taking of any Proceeding or the doing of anything authorized or required by this Act to be taken or done by the District Surveyor or the Board in respect of a Building or Work shall, notwithstanding anything in any other Act, begin to run from the Date of the District Surveyor's discovering or having reasonable Ground for suspecting that the Building has been erected or Work done or that it is not in conformity with this Act, as the Case may be.

PART XII.—STORING OF INFLAMMABLE ARTICLES.

Regulation as to storing of Spirits, &c.

183. It shall not be lawful for any Person to deliver, receive, or keep for the Purposes of Sale any Quantity of Petroleum, ardent Spirits, Preparations of ardent Spirits, Brimstone, Oil (other than Palm Oil or Cocoa Nut Oil), Turpentine, Resin, Tar, Pitch, Naphtha, Varnish, Fireworks, Matches, Sulphuric Acid or other Mineral Acid, or Chemicals of an inflammable Nature, into or in any Building or Place other than a Fire-resisting Building, or a Cellar or Ground Floor Room (being the lowest Room in any Building or Place), or a Room on the Ground Floor having a Cellar or Vault immediately under it covered with such Arching as is required for the Support of Floors in Fire-resisting Buildings.

If any Person acts in any Manner in contravention of this Section he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Ten Pounds*, and in case of a continuing Offence to a further Penalty not exceeding *Five Pounds* for every Day during which such Offence continues after the Day on which the First Penalty is incurred.

But, notwithstanding anything in this Section, Turpentine, Resin, Tar, or Pitch may be received or delivered into any Yard approved by the Board for the Purpose, every such Yard being closed by sufficient Brick or Stone Walls not less than *Ten Feet* in Height measured from the Level of the Ground, having proper Gates or Doors, and not having any Aperture other than such Gates or Doors, and every such Yard situate at a proper Distance (in the Judgment of the Board) from any Building having any Window or other Opening towards the same.

Regulations as to storing of Saltpetre, &c.

184. It shall not be lawful for any Person to deliver, receive, or keep any Quantity exceeding *Half a Ton* of Saltpetre or Nitrate of

Soda into or in any Building other than a detached Building approved by the Board as a fit Building for the Purpose, and no other Goods than Saltpetre or Nitrate of Soda shall be received or delivered into any such Building.

If any Person acts in any Manner in contravention of this Section, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Fifty Pounds*, and in case of a continuing Offence to a further Penalty not exceeding *Twenty Pounds* for every Day during which such Offence continues after the Day on which the First Penalty is incurred.

PART XIII.—DANGEROUS AND NOXIOUS BUSINESSES.

[Building Act of 1844, 7 & 8 Vict. c. 84. ss. 54–63.]

Interpretation.

185. In this Part of this Act—

The Expression "the Building Act of 1844" means the Act of the Session of the Seventh and Eighth Years of Her Majesty (Chapter Eighty-four), "for regulating the Construction "and the Use of Buildings in the Metropolis and its "Neighbourhood":

7 & 8 Vict. c. 84.

The Term "Parish" includes any Parochial District or Extra-parochial Place in which separate Churchwardens, Overseers, or Constables are appointed; and where Two Parishes have been united for Ecclesiastical Purposes, then that Term includes such united Parishes.

Definition of Dangerous and Noxious Businesses.

186. For the Purposes of this Part of this Act, the following shall be deemed Dangerous Businesses; namely,—the Manufacture of Gunpowder, or of Detonating Powder, or Matches ignitable by Friction or otherwise, or other Substances liable to sudden Explosion, Inflammation, or Ignition, or of Vitriol, or of Turpentine, or of Naphtha, or of Varnish, or of Fireworks, or of painted Table Covers, and any other Manufacture dangerous on account of the Liability of the Materials or Substances employed therein to cause sudden Fire or Explosion.

For the Purposes of this Part of this Act, the following shall be deemed Noxious Businesses; namely,—the Business of a Blood-boiler, Bone-boiler, Fellmonger, Slaughterer of Cattle, Sheep, or Horses, Soap-boiler, Tallow-melter, or Tripe-boiler, and any other like Business offensive or noxious.

Restriction on building near Dangerous Business.

187. It shall not be lawful for any Person to erect a Building at a less Distance than *Fifty Feet* from any Building for the Time being in use for a Dangerous Business, but if a Building existing at the passing of the Building Act of 1844 within *Fifty Feet* from any such Building is after the Commencement of this Act pulled down, burnt, or destroyed by Tempest, such Building may be rebuilt.

If any Person acts in any respect in contravention of this Section, he shall be liable, on summary Conviction, to a Penalty not exceeding *Fifty Pounds* for every Day during which such Building remains near to such Dangerous Business.

Restriction on carrying on Dangerous Business.

188. It shall not be lawful for any Person to establish or newly carry on a Dangerous Business, either in a Building or Vault or in the open Air, at a less Distance than *Forty Feet* from a public Way, or within *Fifty Feet* from any Building or from any vacant Ground belonging to any Person other than his Landlord.

If any Person acts in any respect in contravention of this Section, he shall be liable, on summary Conviction, to a Penalty not exceeding *Fifty Pounds* for every Day during which such Business is so carried on.

Restriction on building near Noxious Business.

189. It shall not be lawful for any Person to erect any Domestic Building at a less Distance than *Fifty Feet* from a Building for the Time being in use for a Noxious Business, but if a Building existing at the passing of the Building Act of 1844 within *Fifty Feet* from any such Building is after the Commencement of this Act pulled down, burnt, or destroyed by Tempest, such Building may be rebuilt.

If any Person acts in any respect in contravention of this Section he shall be liable, on summary Conviction, to a Penalty not exceeding *Fifty Pounds* for every Day during which the Building remains near to such Noxious Business.

Restriction on carrying on Noxious Business.

190. It shall not be lawful for any Person to establish or carry on any Noxious Business, either in a Building or Vault or in the open Air, at a less Distance than *Forty Feet* from a public Way, or than *Fifty Feet* from a Domestic Building; and if any such Business was at the passing of the Building Act of 1844 carried on in any Situation within such Distances, then from the Expiration of the Period of *Thirty Years* from the passing of that Act it shall cease to be lawful to continue to carry on such Business in such Situation.

If any Person acts in any respect in contravention of this Section he shall be liable, on summary Conviction, to a Penalty not exceeding *Fifty Pounds* for every Day during which the Business is carried on.

Saving for general Law.

191. Nothing in this Part of this Act shall authorize any Person to carry on any Business which it is unlawful to carry on generally or within particular Limits, or to carry on any Business in any Manner contrary to any Public or Local Act of Parliament, or otherwise contrary to Law, or abridge or prejudicially affect the Right, Power, or Duty of any Person or Officer to proceed, either civilly or criminally, against any Person carrying on a Dangerous or Noxious Business.

Power for Local Authority to obtain Removal.

192. If the Vestry or District Board of any Parish or District in which a Dangerous or Noxious Business is alleged to be carried on present a Memorial to Her Majesty in Council, stating the Existence of such Dangerous or Noxious Business in such Parish or District, or its Neighbourhood, and praying the Removal thereof, and engaging to provide Compensation to the Person carrying it on, by means of a Rate to be levied on the Parish or District, or such Part thereof as is affected by such Business, it shall be lawful for Her Majesty, if Her Majesty thinks fit, to refer the Matter to Her Majesty's Privy Council to consider the Character of such Business, whether it is dangerous or noxious, and if it appears that it is so, and that there are no Means of making it otherwise by the Adoption of Methods available without unreasonable Sacrifice on the Part of the Person by whom it is carried on, then it shall be lawful for Her Majesty in Council to direct that the Removal of such Business may be purchased by means of a Rate as aforesaid.

Compensation for Removal.

193. In every such Case the Person carrying on such Business shall be entitled to Compensation for the Removal thereof, and the Owner and Occupier of the Building and Ground where such Business is carried on shall be entitled to Compensation for the Restriction on the Use of his Building for that Purpose, the Amount of such Compensation to be determined in manner provided by The Lands Clauses Consolidation Act, 1845, for determining the Amount of Compensation with respect to Lands taken under the Provisions thereof, and all the Provisions of that Act shall be applicable for determining the Amount of such Compensation, and for enforcing Payment or other Satisfaction thereof.

Prohibition of Business after Compensation.

194. If within *Three Months* after the Compensation so determined is payable the same is duly paid or tendered, then, within *Three Months* after such Payment or Tender, it shall cease to be lawful for the Person carrying on such Business to continue the same, and for any Owner or Occupier of the Building or Ground where the same is carried on either to carry on such Business or to permit it to be carried on in that Building or Ground or in any Part thereof.

Payment of Expenses and Compensation.

195. The Expenses of a Vestry or District Board in the Execution of this Part of this Act, including any Compensation to be paid by them, shall be deemed Expenses of the Vestry or District Board in the Execution of the Metropolis Management Acts, and shall be raised and defrayed according to the Provisions of those Acts, including the Provisions of Section One hundred and fifty-nine of The Metropolis Management Act, 1855.

Exception for existing Gasworks, Distilleries, &c.

196. This Part of this Act shall not apply to any Public Gasworks established before the passing of the Building Act of 1844 within the Limits of that Act; and if by any Act of Parliament in force at that Time relating to Gas Companies to which such Works belonged, any Extension of such Works, or any additional Works, or any other Works, was or were authorized to be erected or substituted, then this Part of this Act shall not apply to any such Extension, Addition, or Substitution within the Limits of the District then lighted from the Works then existing; nor shall this Part of this Act apply to any Building entered or used for the Purpose of Distillation or the Rectification of Spirits under the Survey of the Commissioners of Inland Revenue or their Officers.

Saving for other Powers against Nuisances.

197. Nothing in this Part of this Act shall interfere with the Exercise of any Power of suppressing Nuisances existing independently of this Part of this Act.

PART XIV.—DANGEROUS STRUCTURES.

Interpretation. [69, 70.]

198. In this Part of this Act—

The Term "Structure" includes any Building, Wall, or other Erection, and anything affixed to or projecting from any Building, Wall, or other Erection:

The Term "the City" means the City of London and the Liberties thereof:

The Term "Commissioners" means, with respect to any Structure situate in the City, the Commissioners of Sewers of the City; and with respect to any Structure situate elsewhere, the Commissioner and Assistant Commissioners of Police of the Metropolis, or such One of them as is for the Time being authorized by One of Her Majesty's Principal Secretaries of State to act in the Matter of this Part of this Act.

District Surveyors to give Information. [69.]

199. Each District Surveyor shall from Time to Time make known to the Commissioners any Information that he receives with respect to any Structure being in a dangerous State.

200. Where it is in any Manner made known to the Commissioners that any Structure is in a dangerous State, they shall require a Survey thereof to be made by the District Surveyor, or by some other competent Surveyor.

Survey of dangerous Structures. [69.]

201. The Surveyor employed shall, on the Completion of his Survey of the Structure, certify to the Commissioners his Opinion on its State.

Surveyor's Certificate. [71.]

202. If the Certificate is to the Effect that the Structure is not in a dangerous State, no further Proceedings shall be had in respect thereof.

Certificate of no Danger. [72.]

203. If the Certificate is to the Effect that the Structure is in a dangerous State, the Commissioners shall cause the Structure to be shored up or otherwise secured, and a proper Hoard or Fence to be put up for the Protection of Passengers, and shall serve a Notice on the Owner or Occupier of the Structure, requiring him forthwith to take down, secure, or repair the same, as the Case requires.

Certificate of Danger. [72.]

204. If the Owner or Occupier fails to comply as speedily as the Nature of the Case permits with the Requisition of the Notice, the Commissioners may make Complaint thereof before a Justice who may, if he sees good Cause, order the Owner, or, on his Default, the Occupier to take down, repair, or otherwise secure the Structure, or such Part thereof as appears to the Justice to be in a dangerous State (as the Case requires), to the Satisfaction of the Commissioners, within a Time fixed by the Justice; and in case the Order is not obeyed, the Commissioners may, with all convenient Speed, execute the Order.

On Noncompliance with Notice, Order of Justice. [73.]

205. All Expenses incurred by the Commissioners in respect of any Dangerous Structure under this Part of this Act shall be paid to the Commissioners by the Owner of the Structure, on Demand, and shall be recoverable by the Commissioners from him, on Complaint before a Justice, without Prejudice to the Owner's Rights (if any) against any Person liable to the Expenses of Repairs.

Expenses to be paid by Owner. [73.]

206. If the Owner cannot be found, or if, on Demand, he fails to pay the Expenses, the Commissioners, after serving on the Owner *Three Months* Notice of their Intention to proceed under this Section, may sell the Structure.

If Owner cannot be found, Commissioners may sell. [74, 76.]

Where the Commissioners sell the Structure they shall, after deducting from the Proceeds of Sale the Amount of all Expenses incurred by them, restore the Surplus (if any) to the Owner, on Demand.

If no Demand for the Surplus is made by any Person entitled thereto within *One Year* after it became payable, it shall be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Owner (described as far as the Commissioners can describe him), subject to the Control of the Court, and to be paid out to the Owner, his Representatives or Assigns, on his or their applying by Summons, and proving Title thereto.

Removal of Inmates. [80.]

207. Where a Structure has been certified as aforesaid to be in a dangerous State a Justice may, if he sees good Cause, on the Application of the Commissioners, order the Inmates to be removed therefrom by a Constable, and if they have no other Abode, he may require them to be received into the Workhouse established for the Reception of the Poor of the Place in which the Structure is situate.

Fees to Surveyor. [77.]

208. There shall be paid by the Commissioners to any Surveyor employed under this Part of this Act, not being a District Surveyor, the like Fees as he would be entitled to if he were a District Surveyor.

Fees to be deemed Part of Expenses. [79.]

209. Fees paid to a District or other Surveyor under this Part of this Act shall be deemed Expenses incurred by the Commissioners in respect of the Dangerous Structure in respect of which they are paid.

Officers of Commissioners. [81.]

210. Subject to the Approval of One of Her Majesty's Principal Secretaries of State, the Commissioners may appoint such Persons, at such Salaries as they think requisite, and make such Regulations as they think fit, for carrying into execution this Part of this Act.

Payments by or to Commissioners. [75, 81.]

211. Payments by this Part of this Act directed to be made by or to the Commissioners, and Salaries of Officers, and other Expenses incurred by the Commissioners in the Execution of this Part of this Act, and not paid by or received from Owners or Occupiers, shall be paid as follows, namely,—

With respect to Structures situate within the City and to the Commissioners of Sewers of the City, the same shall be paid by or to the Chamberlain of the City, out of or to the Consolidated Rate levied by the Commissioners of Sewers of the City;—

With respect to Structures situate elsewhere and to the Commissioners and Assistant Commissioners of Police, the same shall be paid by or to the Receiver of Metropolitan Police, out of Funds applicable for the Expenses of the Metropolitan Police Force ;—

In the same Manner in which Payments are made by or to such Chamberlain and Receiver respectively in the ordinary Course of Business.

Indemnity to Commissioners. [75.]

212. No Commissioner or Officer shall be liable in respect of any Loss sustained by any Person in consequence of the Exercise by the Commissioners of the Powers given to them by this Part of this Act, not happening through the wilful Default of the Commissioner or Officer sought to be charged therewith.

PART XV.—EXEMPTIONS.

Exemption of certain Buildings, &c. [6.]

213. The following Buildings and Works shall be exempt from the Operation of this Act, except as far as it relates to Party Structures and to Dangerous Structures; namely,—

1. Her Majesty's Royal Palaces and any Building in Her Majesty's Possession, or employed for Her Majesty's Use or Service :
2. The Mansion House, Guildhall, and Royal Exchange of the City of London :
3. The Building known as the Bank of England, and any Offices and Buildings of the Governor and Company of the Bank of England for the Time being on the Site of or in addition to and connexion with that Building : (39 & 40 Geo. 3. c. lxxxix.)
4. The Buildings of the British Museum :
5. Greenwich Hospital and the Buildings in the Parish of Greenwich used for the Purposes of the Hospital :
6. County Lunatic Asylums, Sessions Houses, and other Public Buildings belonging to or wholly and permanently occupied by the Justices of the Peace of the County or City in which the same are situated :
7. Common Gaols, Prisons, Houses of Correction, and Places of Confinement under the Inspection of the Inspectors of Prisons, and Bethlehem Hospital and the House of Occupations adjoining :
8. The Erections and Buildings authorized by an Act (Local and Personal) of the Ninth Year of the Reign of King George the Fourth, for the Purposes of a Market in Covent Garden : (9 Geo. 4. c. cxiii.)

[Building Act of 1861, 24 & 25 Vict. c. 87.]

9. Buildings erected or to be erected by or with the Sanction of the Commissioners for the Exhibition of 1851, on any Lands belonging to them, and purchased in pursuance of any Power vested in them by Charter or Act of Parliament, except Streets or Blocks of Buildings erected or to be erected by them or with their Sanction as private Dwelling Houses:

[Courts of Justice, 1865.]

10. Buildings exempted by any Act from the Operation of the First Part of The Metropolis Building Act, 1855:

14 & 15 Vict. c. 61.

11. The Cattle Market, with its Appurtenances, erected in pursuance of The Metropolitan Cattle Market Act, 1851:

12. The Buildings belonging to any Canal, Dock, or Railway Company, and used exclusively for the Purposes of the Company's Canal, Dock, or Railway, under the Provisions of any Act of Parliament, and distant at least *Fifty Feet* from the nearest public Street or Road, and at least *Fifty Feet* from the nearest Building, and from the Ground of any Adjoining Owner:

13. Party Fence Walls built of Brick or Stone or similar Substances, and not exceeding in Height *Seven Feet* measured from the Top of the Footings of the Walls, and Party Fence Walls not built of Brick or Stone or any similar Substance:

14. Greenhouses, Plant Houses, Orchard Houses, Summer Houses, Poultry Houses, and Aviaries, used exclusively for such Purposes, standing detached, and not less than *Ten Feet* from any other Buildings, not being heated otherwise than with Hot Water, and the Fire-places, if any, being detached, with no Flues of any Kind within the Houses or Buildings:

15. Waterclosets and Privies not exceeding in Area *Twenty-five Feet*, and not exceeding in Height *Seven Feet Six Inches* measured from the Level of the Ground to the under Side of the Eaves, and built on separate Foundations and external to the Buildings to which they belong, and having no internal Communication:

16. Buildings not exceeding in Area *Fifty Feet*, and not exceeding in Height *Seven Feet Six Inches* measured from the Level of the Ground to the under Side of the Eaves of the Roof, and distant at least *Ten Feet* from the nearest Building, and not having therein any Stove, Flue, Fire-place, Hot Air or Hot Water Pipe, or other such Apparatus for warming or ventilating the same:

17. Openings made into Walls or Flues, for the Insertion therein of ventilating Valves, of a superficial Extent not greater than *Forty Square Inches*, if such Valves are not nearer than *Twelve Inches* to any Timber or other combustible Material.

214. Any Building or Structure in any respect exempt from the Operation of this Act, or in any Manner privileged in respect of any Provision of this Act, shall remain so exempt or privileged as long only as it is used for the Purpose or retains the Character by reason whereof it was so exempt or privileged; and forthwith on any Building or Structure ceasing to be so exempt or privileged it shall become subject to the Provisions applicable thereto according to its then Purpose or Character, as if it had never been so exempt or privileged.

Continuance of Exemption.

215. The District Surveyor may at all reasonable Times enter and inspect any Building or Ground, except any Building by this Part of this Act exempted by Name, and the Ground attached thereto, for the Purpose of ascertaining whether any Building or Work is entitled to Exemption, and may do all Things necessary for that Purpose.

Power for District Surveyor to enter and inspect as to Exemption. [43.]

PART XVI.—STREETS.

216. In this Part of this Act—

Interpretation.

The Term "Street" includes any Highway (except the Carriageway of a Turnpike Road), and any Road, public Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, or Passage, whether a Thoroughfare or not, and any Part of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage, and any Mews, and any Part thereof:

The Term "new Street" includes every Street the Maintenance of the Paving and Roadway whereof had not before the *Seventh* Day of *August One thousand eight hundred and sixty-two* been taken into charge and assumed by the Authorities having the Control of Pavements or Highways in the Parish or Place in which the Street is situate, and any Part of any such Street, and also any Street that is at the Commencement of this Act only partially formed or laid out, whether in actual Use or not:

The Term "pave" includes the forming of the Roadway or Footway of a Street.

Formation of Streets.

217. *Twenty-eight clear Days* at least before any new Street is begun to be laid out, Application for Approval thereof shall be made in Writing to the Board by the Person intending to lay it out (hereafter in this Part of this Act called the Applicant), stating its intended Level and Width, with a Plan of the Ground, showing its Situation.

Application for new Street.

Contents of Plan.

218. Every such Plan shall be drawn to a Scale of not less than *One Inch* to every *Forty-four Feet*, and there shall be stated thereon the following Particulars:

The Name and Address of the Applicant, and his Signature, or that of his duly authorized Agent:

The Names and Addresses of the Owners and others interested in the Land or Property through or over which the new Street is intended to pass:

The Level, Width, Direction, Mode of Construction, and Name of the intended new Street, and the Position of the Streets nearest thereto:

The Levels and Inclinations of the Streets with which the new Street is intended to be connected:

The Level of the lowest Floors of the proposed new Buildings.

Approval of Plan.

219. A Plan so submitted shall not be considered as approved by the Board until a Copy thereof is returned to the Applicant, with a Memorandum thereon to that Effect, signed by the Chairman of the Board, or other Officer authorized in that Behalf by the Board, and countersigned by the Superintending Architect.

Width of Streets.

220. Every Street, whether newly formed or made or being laid out for Buildings on One or both Sides, shall be at least *Forty Feet* wide in the Carriageway and Footway (exclusive of any Gardens, Forecourts, open Areas, or other Spaces in front of the Houses or Buildings erected or intended to be erected in the Street), except with the Approval of the Board.

Roads laid out as Streets.

221. The Board may determine whether any Street used or proposed to be used for Carriage Traffic or for Foot Traffic is sufficient for the public Convenience and otherwise proper, and whether the whole Width thereof or what Portion thereof shall be given by the respective Owners of Ground on either Side of the Street; and the District Surveyor shall cause the Determination of the Board to be observed in case of the Erection of any Building in the Street; and the Board in the Exercise of their Discretion under this Section may permit the Formation of a Street of less Width than that prescribed in this Part of this Act, if in special Circumstances they deem it equitable and expedient to do so.

Measurement of Width.

222. The Measurement of the Width of a new Street shall be taken at a Right Angle to its Course, Half on either Side from the Centre or Crown of the Roadway to the External Wall or Front of the intended Houses or Buildings on each Side thereof; but where

Forecourts or other Spaces are intended to be left in front of the Houses or Buildings, then the Width of the Street shall be measured from the centre Line up to any Fence, Railing, or Boundary of a substantial or permanent Character dividing or intended to divide the intended Forecourts, Gardens, or Spaces from the public Way.

223. The Carriageway of every new Street must curve or fall from the Centre or Crown thereof, at the Rate of *Three Eighths of an Inch* at least for every *Foot* of Breadth.

Curve of Carriageway.

224. In every new Street the Curb to each Footpath must not be less than *Four* or more than *Eight Inches* above the Channel of the Roadway, except in the Case of Crossings paved or formed for the Use of Foot Passengers.

Height, &c. of Footpaths.

The Slope towards the Curb of every Footpath in a new Street must be *Half an Inch* for every *Foot* of Width if the Footpath is not paved, and not less than a *Quarter of an Inch* to every *Foot* of Width if the Footpath is paved.

225. Every new Street shall, except with the Approval of the Board, have at least Two Entrances of the full Width of the Street, and shall be open from the Ground upward.

Entrances to new Streets.

226. If any Person acts in any respect in contravention of any of the foregoing Provisions of this Part of this Act, he shall for every such Offence, be liable on summary Conviction to a Penalty not exceeding *Five Pounds*, and in case of a continuing Offence to a further Penalty not exceeding *Twenty Shillings* for every Day during which the Offence continues after the Day on which the First Penalty is incurred.

Penalty for Breach of Rules as to Streets.

Buildings in Streets.

227. The External Wall of a Building which abuts on or is within *Three Feet* from a Street or intended Street shall be carried up so as to form a Parapet *One Foot* at least above the highest Part of the Gutter against the same.

Parapets to Walls next Streets.

228. Every Arch or other Construction under a Street or intended Street shall be formed of Brick, or other Fire-resisting Materials.

Arches under public Way. [25.]

If an Arch of Brick is used it shall in Cases where its Span does not exceed *Ten Feet* be of the Thickness of *Eight Inches and a Half* at least; where its Span does not exceed *Fifteen Feet*, it shall be of the Thickness of *Thirteen Inches* at least; where its Span exceeds *Fifteen Feet*, it shall be of a Thickness approved by the Board.

If an Arch or other Construction not of Brick is used, it shall be constructed in manner approved by the Board.

Pipes on Faces next Streets. [21. § 2.]

229. A Pipe for conveying Smoke or other Products of Combustion, heated Air, Steam, or hot Water shall not be fixed against a Building on the Face next to a Street or public Way; and if any Person acts in any respect in contravention of this Provision he shall for every such Offence be liable to a Penalty not exceeding *Twenty Pounds.*

Projection of Cornices.

230. A Cornice of a Building abutting on a Street shall not be constructed so as to overhang the Pavement to a greater Extent than *Half* the Height of the Cornice, and the Corbelling of the Brick or Stone Work of the Cornice shall have not less than *Two* thorough Bond Stones in the Height thereof, except with the Approval of the Board.

Gutters and Rain Pipes over Streets. [26. § 4.]

231. The Roof, Flat, or Gutter of every Building, and every Balcony, Verandah, Shop Front, or other similar Projection, must be so arranged and constructed, and so supplied with Gutters and Pipes, as to prevent the Water dropping on or running over any public Way therefrom.

Projection of Shop Fronts. [26. § 2.]

232. In a Street of less Width than *Thirty Feet*, any Shop Front may project beyond the external Wall of the Building to which it belongs for *Five Inches* and no more, and any Cornice of any such Shop Front may so project *Thirteen Inches*, and no more.

In a Street of a Width greater than *Thirty Feet*, any Shop Front may so project *Ten Inches* and no more, and any Cornice of any such Shop Front may so project *Eighteen Inches* and no more.

Preservation of Line of Fronts. [26. § 5.]

233. Except as permitted by this Act in the Case of Shop Fronts, and with the Exception of Water Pipes and their Appurtenances, and of Copings, Cornices, Facias, Window Dressings, and other like architectural Decorations, any Projection from any Building shall not extend beyond the general Line of Fronts in a Street, except with the Approval of the Board.

Tablets for Names of Streets, &c.

234. The Builder shall insert in any Building not built of Stone, at such Angles of Streets and other convenient Places as the Board before or during the Progress of the Building require, Blocks of Stone or other suitable Material, fit for having carved thereon, or attached by Tablets or otherwise thereto, the Names of Streets and other Names and Directions. Every such Block shall be of a Width equal to the Width of *Three* Courses of Bricks at least, and of a Length equal to the Length of *Four* Bricks at least, and shall be placed at or about the Level of the First Floor of the Building.

Part XVII.—Sewers and Drains.

Repeal of 25 & 26 Vict. c. 102. ss. 46. and 49, and ss. 47 and 48 in part.

235. The following Provisions of The Metropolis Management Amendment Act, 1862, are hereby repealed:

Section Forty-six:

So much of Sections Forty-seven and Forty-eight respectively as relates to a Sewer vested in the Metropolitan Board of Works:

Section Forty-nine.

Byelaws as to Junctions of Sewers, &c.

236. The Junctions or Communications of Sewers or Drains of Vestries or District Boards with Main Sewers, and the making or branching by any Persons of Sewers or Drains into the Sewers of the Board, and all Matters connected therewith respectively, shall be regulated by Byelaw.

Part XVIII.—General Provisions.

Byelaws.

Power to make Byelaws.

237. The Board may from Time to Time make Byelaws with respect to any of the Matters by this Act directed or authorized to be provided for by Byelaw, and with respect to any of the Matters by this Act placed under the Control or Authority of the Board, and generally for carrying into effect the Purposes of this Act, and may by any such Byelaw direct or allow Works and Things, the Mode of Execution or doing whereof or the Nature whereof is not specifically prescribed by this Act or by any Byelaw, to be executed, made, and done to the Satisfaction of the Board or of an Officer of the Board acting under this Act; and the Provisions of The Metropolis Management Act, 1855, respecting the making, Contents, Confirmation, Approval, Publication, and Evidence of Byelaws shall extend and apply to Byelaws under this Act.

Police Magistrate for Act.

Jurisdiction of One Police Magistrate

238. It shall be lawful for Her Majesty in Council, at any Time, by Order in Council, to assign exclusively to One of the Magistrates of in Cases under Act.

of the Police Courts of the Metropolis the Execution of the Duties to be performed by a Justice under this Act, with or without the Execution of any Duties to be performed by a Justice under the Metropolis Management Acts, or any Act (passed or to be passed) amending the same or empowering the Board to make any new Street or execute any Work or of any other Duties.

[103.]

Such One Magistrate shall for Purposes of this Act have the like Jurisdiction and Authority within the City of London and the Liberties thereof as in any other Place within the Limits of this Act.

Any Order in Council may from Time to Time prescribe Rules for regulating the Execution by such One Magistrate of the Duties assigned to him, and the Times and Places of his Sittings, and Proceedings by and before him, and the Fees and Charges to be taken and paid in respect of such Proceedings.

If any such Order in Council is made, there may be *Twenty-eight* Magistrates, but no more, appointed to execute the Duties of Justices at the Police Courts of the Metropolis.

Expenses of Owners.

Payment of Expenses by Owners and Occupiers. [97.]

239. Where under this Act any Expenses are to be borne by a Building Owner, Adjoining Owner, or other Owner of a Building, the following Provisions shall have Effect:

(1.) The Owner immediately entitled in possession to the Building, or the Occupier thereof, shall in the first instance pay those Expenses:

(2.) If there are more Owners than One, they shall contribute between or among themselves to those Expenses in proportion to their respective Interests:

(3.) If some of the Owners liable to Contribution cannot be found, any Deficiency shall be contributed by those that can be found in proportion to their respective Interest:

(4.) If any Owner pays more than his due Proportion of any such Expenses, he may deduct the Amount overpaid from any Rent payable by him to any other Owner of the same Building:

(5.) An Occupier shall not be liable to pay any Sum exceeding in Amount the Rent accrued due from him in respect of the Building or that will so accrue due during his Occupancy:

(6.) Any Occupier who pays any such Expenses may deduct the Amount so paid from any Rent payable by him to any Owner of the Building in respect thereof:

(7.) If default is made by any Owner or Occupier in Payment of any Expenses payable by him in the first instance, or by any Owner in Payment of any Expenses or Money due from him by way of Contribution or otherwise under this Section, then, in addition to any other Remedy, the same may be recovered as a Debt.

References to District Surveyors.

Differences between Owners, &c. to be determined by District Surveyor. [85. §§ 7–12, 97. § 3.; 110.]

240. Where a Difference arises under this Act between a Building Owner and the Adjoining Owner, or between other Owners of a Building or Buildings, or between any Persons interested in a Building, or between any Occupier and any Owner of a Building, or between the Parties to a Contract made before the Commencement of this Act, respecting any Deviation from the Terms thereof under this Act, or the Expenses thereof, the Matter in difference shall by virtue of this Act stand referred to the District Surveyor, who is hereby empowered by his Award to determine the Right to do and the Time and Manner of doing any Work, and the Amount of any Contribution, Compensation, or other Payment, (Recovery of which is not expressly otherwise provided for in this Act,) and generally any other Matter arising out of or incidental to the Matter in difference.

On any such Difference arising, either Party may serve Notice on the other that the Matter in difference is to be determined by the District Surveyor.

If the other Party to the Reference makes default in appearing thereon for *Seven Days* after Service on him of such Notice, the District Surveyor shall proceed with the Reference in his Absence.

The Costs of the Reference and Award shall be borne and paid as the District Surveyor by the Award determines.

The Award shall be conclusive, and shall not be questioned in any Court, save that either Party may, within *Fourteen Days* from the Date of its Delivery, complain thereof to a Justice, who, on hearing the Case in a summary Manner, may make such Order in the Matter as he thinks just and consistent with this Act, which Order shall be final and binding (subject only to the ordinary Appeal on a Question of Law by way of Special Case).

Service of Documents.

Rules for Service of Notices, &c. [98.]

241. With respect to Notices, Requisitions, Bills, and other Documents under this Act or any Byelaw thereunder, and to the Service thereof for the Purposes of this Act or of any such Byelaw, the following Provisions shall have Effect:

(1.) Every such Document may be in Writing or Print, or partly in Writing and partly in Print:

(2.) In every Case such a Notice may be served personally:

(3.) In the Case of an Owner of a Building or Ground, Service (if not personal) shall be effected as follows; namely,—If the Owner and his Residence or that of his Agent are known to the Person by whom or on whose Behalf Service is to be effected, then it shall be effected by means of a registered Letter sent by Post addressed to the Residence or last known Residence of the Owner or of his Agent; but if the Owner and his Residence or that of his Agent are not known to such Person, then Service shall be effected by the Document being left with the Occupier of the Building or Ground, or with some Inmate of his Abode, or if there is no Occupier then by being put up on a conspicuous Part of the Building or Ground; and in either of the Two last-mentioned Cases it shall not be necessary to name the Owner:

(4.) In the Case of an Occupier of a Building or Ground, Service may be effected by the Document being left with an Inmate of his Abode; and it shall not be necessary to name the Occupier:

(5.) In the Case of a Builder, Service may be effected by the Document being left at his Place of Address as stated by him to the District Surveyor, or sent by Post in a registered Letter addressed to him there, or by being put up on a conspicuous Part of the Building or Ground:

(6.) In the Case of a District Surveyor, Service may be effected by the Document being left at his Office, or being sent by Post in a registered Letter addressed to him there:

(7.) Where any Document is under this Section sent by Post in a registered Letter, Service shall be deemed to be effected on the Day on which the Letter ought to be delivered at the Place of its Address in the ordinary Course of Post.

Penalties on Owners, Workmen, &c.

Protection for District Surveyor on Entry. [42.]

242. If, in any Case where under this Act the District Surveyor is authorized to enter, inspect, and survey any Building or Work, any Person refuses to admit him to do so, or refuses or neglects to afford him reasonable Assistance in doing so, or in any Manner obstructs or annoys him, or causes or procures him to be obstructed or annoyed, in or about such Entry, Inspection, or Survey, every such Person shall be deemed guilty of an Offence against this Act, and shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Twenty Pounds.*

243. If any Workman, Labourer, Servant, or other Person employed in or about a Building or Work, wilfully and without the Privity or Consent of the Person employing him or causing or directing the Work to be done, does anything in or about such Building or Work in contravention of this Act, every such Person shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding *Two Pounds.*

Penalty on Workmen contravening Act. [48.]

Fire Penalties.

244. Section Twenty-three of The Metropolitan Fire Brigade Act, 1865, and any Provision of that Act relative thereto, shall, from and after the passing of this Act, be varied as follows:

Chimneys on fire. 28 & 29 Vict. c. 90. s. 23.

Where an Occupier is liable to a Penalty under that Section, the Board may give Notice to him that they demand a Sum not exceeding *Twenty Shillings* in respect of such Penalty; and if he is willing to pay that Sum or any smaller Sum which the Board agree to receive, the Board may accept the Sum which he is willing to pay, without resorting to Proceedings to recover a Penalty in manner provided by that Act; and after any Summons or Order made by Justices or a Justice for Payment of any Penalty under that Section, the Board may accept the whole or any Part of such Penalty (with or without any Sum in respect of Costs), without proceeding further under the Summons or Order; and any Money accepted by the Board under this Section shall be paid to the Treasurer of the Board, and shall be applied as it would be applicable if it were recovered by Proceedings in manner provided by that Act.

Limitation, &c. of Actions.

245. No Action or Proceeding shall lie against any District Surveyor or other Person acting officially under the Authority or in the Execution or intended Execution or in pursuance of this Act, for any alleged Irregularity or Trespass or other Act or Thing done or omitted by him under this Act, unless Notice in Writing (specifying the Cause of the Action or Proceeding, and the Name and Residence of the intending Plaintiff or Prosecutor, and of his Attorney or Agent in the Matter,) is given by the intending Plaintiff or Prosecutor to the intended Defendant, *One Month* at least before the Commencement of the Action or Proceeding, nor unless the Action or Proceeding is commenced within *Six Months* next after the Act or Thing complained of is done or omitted, or in case of a Continuation of Damage within *Six Months* next after the doing of such Damage has ceased; and any such Action shall be laid and tried in the County or Place where the Cause of Action arose, and not elsewhere.

Actions against Officers executing Act not to be brought without Notice, &c. [108.]

In any such Action the Defendant may plead generally that the Act or Thing complained of was done or omitted by him as

District Surveyor, or (as the Case may be) when acting otherwise officially under the Authority or in the Execution or intended Execution or in pursuance of this Act, and may give all special Matter in Evidence; and on the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action not stated in his Notice; and the Plaintiff shall not succeed if Tender of sufficient Amends is made by the Defendant before the Commencement of the Action; and in case no Tender has been made the Defendant may, by Leave of the Court in which the Action is brought, at any Time pay into the Court such Sum of Money as he thinks fit, whereupon such Proceeding and Order shall be had and made in and by the Court as may be had and made on the Payment of Money into Court in an ordinary Action.

If the Plaintiff does not succeed in the Action the Defendant shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expenses incurred in and about the Action as may be taxed and allowed by the proper Officer, subject to Review; and though a Verdict is given for the Plaintiff in the Action, he shall not have Costs against the Defendant unless the Judge before whom the Trial is had certifies his Approval of the Action.

Application of Penalties.

Payment of Penalties to Board. [104.]

246. Penalties recovered under this Act shall (notwithstanding anything in any Act relating to the Metropolitan Police or in any other Act) be paid to the Board, to be applied as they think fit.

Savings and Temporary Provisions.

Saving for general Obligations.

247. Nothing in this Act shall relieve any Builder, Owner, or other Person from the Obligation of erecting or executing any Building or Work with proper Care, Skill, and Diligence.

Contracts between Landlord and Tenant. [111.]

248. Nothing in this Act shall affect the Rights or Liabilities of Landlord or Tenant under any Contract between them.

Expenses of unauthorized Works.

249. Notwithstanding anything in this Act, the Owner or Occupier of any Building or Ground, or other Person, shall not be liable to pay or contribute to any Expense incurred by any Owner or other Person in or about the Erection or Execution of any Building or Work if the same is not in conformity with this Act, nor shall any Builder or other Person be entitled to recover from any Person any Money in respect of any Building or Work that is erected or executed in pursuance of any Contract or otherwise, but that is not in conformity with this Act.

250. Nothing in this Act shall affect any Lease or Agreement for a Lease whereby any Person is bound to erect any Building or do any Work, but the Building or Work to which the Lease or Agreement refers shall be erected or done in conformity with this Act, as if this Act had been in operation at the Time of the making of the Lease or Agreement, and that without either Party being entitled to Compensation.

Building Leases made before Act. [10 & 11 Vict. c. 34. s. 155.]

251. Any Contract made before the Commencement of this Act for the Erection of a Building or the Execution of any Work shall be carried into effect in the same Manner as if this Act had been in operation at the Time of the making of the Contract, and the necessary Deviations from the Terms of the Contract may be made accordingly, and the Difference of Expense (if any) caused by such Deviations shall be paid or adjusted by or between the Parties to the Contract, as Circumstances require.

Contracts made before Act. [110.]

252. Where under this Act Expenses are paid by an Owner with respect to a Building held under a Lease or Agreement made before the Commencement of this Act, the Owner may recover the same from the Persons who, if this Act had not been passed, would have been liable by Law or by such Lease or Contract to maintain or repair the Building.

Recovery of Expenses under existing Leases, &c. [110.]

253. Notwithstanding anything in this Act, any Person by whom any Compensation awarded under any Enactment repealed by this Act is at the Commencement of this Act enjoyed shall continue to enjoy the same and on the same Terms and Conditions as if this Act had not been passed.

Saving for past Compensations. [113.]

254. Nothing in this Act shall affect the Exercise of any Powers vested by Act of Parliament in the Commissioners of Sewers of the City of London.

Saving for Commissioners of Sewers. [4.]

SCHEDULE.

Diagrams illustrating Rules of Part IV.

Metropolitan Buildings and Management.

A

BILL

To regulate the Construction and Use of Buildings, and the Formation of Streets and of Sewers and Drains, in the Metropolis; and for other Purposes connected therewith.

(*Prepared and brought in by Mr. Tite and Colonel Hogg.*)

Ordered, by The House of Commons, *to be Printed,*
31 *July* 1867.

[Bill 293.]

Under 9 *oz.*

A

BILL

TO

Make better Provision for the raising of Money to be applied in the Execution of Works of permanent Improvement in the Metropolis.

Preamble.

WHEREAS it is expedient that a Portion of the Charge for permanent Improvements in the Metropolis be borne by the Owners of rateable Property therein:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power for Metropolitan Board of Works to levy Metropolis Improvement Rate.

1. The Metropolitan Board of Works (in this Act called the Board) in assessing on the several Parts of the Metropolis the several Sums to be charged thereon for defraying the Expenses of the Board in the Execution of the Metropolis Management Acts (described in the Schedule to this Act), shall from Time to Time distinguish as being assessed for a Special Rate, to be called The Metropolis Improvement Rate, such Part of those several Sums as the Board from Time to Time think fit, not exceeding in the whole in any Year such Amount as, in the Judgment of the Board, will be equivalent to a Rate of *Fourpence* in the Pound on the rateable annual Value of the Property in the several Parts of the Metropolis, estimated as in the

the said Acts provided; and in the Precepts of the Board and the Orders of Vestries and District Boards, the same shall be distinguished as being assessed for the Metropolis Improvement Rate, accordingly.

Occupier to deduct certain Proportion of Rate from Rent paid.

2. Where the Occupier of rateable Property in the Metropolis is liable to pay a Rent in respect thereof, he shall deduct from the Rent for each Pound thereof One equal *Half* Part of the Sum which he pays for the Metropolis Improvement Rate in respect of each Pound of the rateable annual Value of the Property (whether the Rent is greater or less than the rateable annual Value), and so in proportion for any Sum less than a Pound.

Each Owner in succession to deduct for Rate from Rent paid by him.

3. Where a Person entitled to receive a Rent in respect of rateable Property in the Metropolis is also liable to pay a Rent in respect thereof, he shall deduct from the Rent which he is liable to pay a Sum bearing such a Proportion to the Amount deducted for the Metropolis Improvement Rate from the Rent which he is entitled to receive as the Rent which he is liable to pay bears to the Rent which he is entitled to receive.

Deduction to be made at next Payment.

4. Every Deduction directed by the foregoing Provisions shall be made on the Payment of Rent next subsequent to each Payment for the Metropolis Improvement Rate.

Deduction of Arrears of Rate.

5. If an Occupier or other Person is bound to pay and pays any Sum for the Metropolis Improvement Rate that ought to have been or to be paid by a former Occupier or Tenant of the Property in respect of which the Rate is paid, or his Representatives, the Occupier or Person paying the same, or his Representatives, shall deduct the same out of any subsequent Payment of Rent made by him or them in respect of the Property.

Owner to allow Deduction.

6. The Receivers of Her Majesty, Her Heirs and Successors, and all Landlords, both mediate and immediate, and all Persons entitled to receive Rent in respect of rateable Property in the Metropolis, and their Representatives and Assigns, according to their Interests, shall allow every Deduction directed by this Act on receipt of the Residue of the respective Rents which they are entitled to receive.

Occupier, &c. discharged from Sum deducted.

7. The Occupier or other Person liable to pay Rent in respect of rateable Property in the Metropolis shall, by virtue of any Deduction required by this Act, be discharged of so much Money as if the same had been actually paid to the Person entitled to receive the Rent.

8. Every Covenant or Agreement made or entered into (before or after the passing of this Act) for Payment of Rent in respect of rateable Property in the Metropolis in full, without Allowance for Deduction in respect of the Metropolis Improvement Rate (either specifically or under any general Description), shall, as far as regards the Metropolis Improvement Rate, be of no effect.

Covenant, &c. against Deduction to be of no effect.

9. In the foregoing Provisions the Term "Rent" means any Rent Service, Rentcharge, Fee Farm Rent, Quitrent, or other Rent, or any Reservation or Sum or Value rendered in Money or otherwise by any Occupier or Tenant or under any Contract in respect of the Occupation, Tenancy, Use, or Enjoyment of any rateable Property in the Metropolis; and the foregoing Provisions relative to Rent extend and apply to any Tithe Commutation Rentcharge, Sum payable in lieu of Tithe, Annuity, or other annual or periodical Payment whatever reserved or charged on or payable out of any rateable Property in the Metropolis.

Definition of "Rent," and Application of foregoing Provisions.

10. Except as in this Act provided, the Sums assessed for and raised by the Metropolis Improvement Rate shall be deemed to all Intents Part of the Sums assessed and raised for defraying the Expenses of the Board in the Execution of the said Acts; and all the Provisions of those Acts relative to the Assessment and raising of Sums for defraying those Expenses, and to the Sums so assessed and raised, and to the borrowing of Money on the Security thereof, shall accordingly extend and apply to the Assessment and raising of the Metropolis Improvement Rate, and to the Sums assessed for and raised by the same, and to the borrowing of Money on the Security thereof, as if those Provisions were here re-enacted.

Application of Provisions of former Acts as to rating, &c.

11. The Board shall keep separate Accounts with respect to the Sums assessed for the Metropolis Improvement Rate, and the Sums raised thereby and by borrowing on the Security thereof.

Board to keep separate Accounts.

12. The Board shall apply all Money raised by the Metropolis Improvement Rate, or by borrowing on the Security thereof, in or towards the Execution of Works of permanent Improvement in the Metropolis which are from Time to Time authorized by Act of Parliament, or to which the Commissioners of Sewers of the City of London or any Vestry or District Board in the Metropolis contribute out of the Rates at their respective Disposal at least *One-Half* of the Cost thereof.

Rate to be applied for permanent Improvements.

13. Nothing in this Act shall make any Place named in Schedule (C.) to The Metropolis Management Act, 1855, liable to

Provision for Sched. (C.)

any

in Metropolis Management Act.

any Assessment or Payment to which it would not have been liable if this Act had not been passed.

Construction and Short Title.

14. This Act shall be construed as One Act with the Acts described in the Schedule to this Act, and may be cited as The Metropolis Improvement Rate Act, 1867.

The SCHEDULE.

Acts referred to.

18 & 19 Vict. c. 120.—The Metropolis Management Act, 1855.
19 & 20 Vict. c. 112.—The Metropolis Management Amendment Act, 1856.
25 & 26 Vict. c. 102.—The Metropolis Management Amendment Act, 1862.

Metropolitan Improvements.

A

BILL

To make better Provision for the raising of Money to be applied in the Execution of Works of permanent Improvement in the Metropolis.

(Prepared and brought in by Mr. Ayrton and Mr. Tite.)

Ordered, by The House of Commons, *to be Printed,*
26 February 1867.

[Bill 55.]

Under 1 *oz.*

Metropolitan Municipal Government Bill.

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A
BILL
FOR
The better Municipal Government of the Metropolis.

WHEREAS it is expedient that the Municipal Institutions of the Metropolis should be consolidated: May it therefore please Your Majesty that it be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

PART I.

Interpretation.

Interpretation of Terms.

1. The following Terms and Expressions shall have in this Act the Meanings hereby respectively assigned to them, except so far as the Subject or the Context shall be repugnant to such Construction; (that is to say,) the Expression "Corporation of the City of London" shall mean the Mayor, Aldermen, and Commonalty, or the Mayor, Commonalty, and Citizens of the City of London, or by whatever other Name or Title of Incorporation the Body Corporate of the said City has been heretofore incorporated, designated, or known; the Expression "Charters and Customs of the City of London" shall include all Rights, Gifts, Charters, Grants, Liberties, Privileges, Franchises, Customs, Usages, Constitutions, Prescriptions, and Immunities, Acts, and Standing Orders of the Mayor, Aldermen, and Commons of the said City in Common Council assembled, and Byelaws whatsoever, granted to, or had, used, or enjoyed, or enacted or made by, the Corporation of the City of London, which shall be in force and subsisting at the Commencement of this Act; the Expression "Common Council of the City of London" shall mean the Mayor, Aldermen, and Commons of the said City in Common Council assembled; the Expression "Court of Aldermen of the City of London" shall mean the Court of the Mayor and Aldermen of the City of London in the Inner Chamber; the Expression "Lord Mayor's Court" shall mean the Court of the Mayor and Aldermen of London in the Outer Chamber; the Terms "Officers of the Corporation of London" or "Servants of the Corporation of London" respectively shall include any Officers heretofore appointed by the Court of Common Hall of the said City of London; the Expression "Metropolitan Borough" shall mean a Municipal Borough created within the Metropolis by any Act for the establishment of Municipal Corporations within the same; the Expression "The Metropolis Local Management Act, 1855," shall mean the Act of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, for the better local Management of the Metropolis; the Expression "the Metropolis Local Management Acts" shall include the said Act and all Acts amending the same; the Expression "the Municipal Reform Act" shall mean the Act of the Fifth and Sixth Years of the Reign of His late Majesty King William the Third, to provide for the Regulation of Municipal Corporations in England and Wales; the Expression "the Municipal Corporations Acts," shall include the Municipal Reform Act, and all Acts amending the same, and all other Acts and Parts of Acts in force for the Regulation of Municipal Corporations in England and Wales, or in relation thereto.

PART II.

The County and Corporation of London.

County of London to include the whole Metropolis.

2. The County of the City of London shall bear the Name of the "County of London," and shall include the whole Area comprised within the outer Limits of the Metropolis as defined by Section Two hundred and fifty of "The Metropolis Local Management Act, 1855" and, subject as aforesaid, the Limits of the City of London shall for the Purposes of this Act be deemed to be those of the Commission of Sewers for the said City.

3. The Corporation of the City of London shall take and bear the Name and Title of "The Mayor, Aldermen, and Commonalty of London," (herein-after called "the Corporation of London,") and by that Name and Style shall have perpetual Succession and a Common Seal; shall sue and be sued; shall hold, receive, and take all Duties, Tolls, Revenues, Real and Personal Estates whatsoever, which at the Commencement of this Act shall be vested in the Corporation of the City of London, for all such respective Estates or Interests or Terms of Years as the said Corporation now holds receives, or takes the same; shall have full Capacity, without Licence in Mortmain, to take, purchase, and hold Land for the Purposes of this Act, and of every Act of which the Powers are hereby transferred to or vested in the Corporation of London, or the Common Council of London, (as herein-after defined,) or the Council of the City of London (as herein-after defined) respectively; shall have the Benefit of, have, use, and enjoy all the Charters and Customs of the City of London, or of the Corporation of the said City (which Charters and Customs shall hereafter be called the "Charters and Customs of London"); and shall be capable in Law by the Common Council of London to do and suffer all Acts which now lawfully the Corporation of the City of London by the Court of Aldermen or the Court of Common Council of the said City (hereafter to be termed "the Council of the City of London") may do or suffer, and all other Acts whatsoever which under and by virtue of this Act, or of any Act of Parliament of which the Powers are hereby transferred to or vested in the Corporation of London or its Common Council, or of any other Act of Parliament whatsoever, the Corporation of London may at any Time lawfully do or suffer (except such Acts as under the Provisions of this Act or otherwise are or may be reserved, authorized, or provided to be done or suffered by the Council of the City of London); and by the Council of the City of London to do and suffer all Acts which now lawfully the Corporation of the City of London by the Court of Aldermen or the Court of Common Council of the said City may do or suffer, and which under the Provisions of this Act are reserved to be done or suffered by the Council of the City of London, and all other Acts which the Corporation of London is by this Act authorized or required or may hereafter be authorized or required to do or suffer by the Council of the City of London.

Corporation of the City of London to become the Corporation of London.

4. Nothing herein contained shall impair the Rights or Remedies of any Annuitants, Bond or other Creditors of the Corporation of the City of London, or of any Persons entitled to the Benefit of any Trusts which at the Commencement of this Act shall be vested in the said Corporation, but all Debts and Liabilities of the said Corporation

Rights of Creditors, &c. of Corporation not to be affected.

Corporation shall be duly discharged, and all Trusts vested in it shall be duly fulfilled, by the said Corporation, notwithstanding such Change as aforesaid of its Name and Title; nor shall such Change of Name and Title affect any Actions, Suits, or other Proceedings pending at the Commencement of this Act.

Functions, &c. of Metropolitan Board of Works to vest in Corporation of London.

5. All Functions, Powers, and Authorities, Duties, Revenues, Real and Personal Estates whatsoever, which at the Commencement of this Act shall be vested in the Metropolitan Board of Works (except such as shall cease or become impossible to be exercised by virtue of this Act), shall become vested in and be capable of being received and taken by the Corporation of London (nevertheless, as respects such Duties, Revenues, Real and Personal Estates, for all such respective Estates or Interests, or Terms of Years, and subject in all respects as the Metropolitan Board of Works now holds, receives, or takes the same); and all Officers and Servants of the Metropolitan Board of Works shall become Officers and Servants respectively of the Corporation of London, for the Discharge of their respective Offices, subject as hereafter provided; and there shall be no new Election of Members of the Metropolitan Board of Works, nor (unless otherwise provided by the Common Council of London) of any of its Officers; and so much of the Metropolis Local Management Acts as relates to the Constitution and Incorporation of the Metropolitan Board of Works, to its Meetings, and to such of its Functions, Powers, and Authorities as shall cease or become impossible to be exercised by virtue of this Act, shall be repealed, except as respects the going out of Office of the Persons who at the Commencement of this Act shall be Members of the said Board.

Functions, &c. of Corporation of London to extend over the whole County of London.

6. All Functions, Powers, and Authorities which, under or by virtue of this Act, or otherwise howsoever, shall become vested in the Corporation of London (except such as are hereby reserved or provided, or may hereafter be provided to be exercised, by the Council of the City of London), shall (unless otherwise specially provided) extend over and be fulfilled or exercised, or be capable of being fulfilled and exercised, within the whole of the County of London, or all such Parts of the same as the said Functions, Powers, or Authorities shall be applicable to, or within which they shall be capable of being fulfilled or exercised.

PART

PART III.

The Common Council of London.

The Common Council.

7. The Common Council of London shall consist of a Mayor (to be styled the Lord Mayor of London), the Chairman of Standing Committees of the Common Council, and the Aldermen and Common Councillors of London: Provided always, that it shall be lawful for the Common Council of London not to re-appoint a Chairman of Standing Committees on the Death or ceasing to hold Office of the First such Chairman.

Number of its Members.

8. The total Number of Members of the Common Council of London shall, in the first instance, be *Two hundred and seventy-six*, but shall be progressively reduced in manner herein-after mentioned.

Number of Aldermen of London.

9. The Number of Aldermen of London, exclusively of the Lord Mayor and Chairman of Standing Committees of the Common Council (who shall nevertheless be reckoned as such Aldermen, but shall take Precedence of all others), shall in the first instance be *Fifty-two*, but shall be reduced progressively as herein mentioned.

Number of Common Councillors.

10. The Number of Common Councillors of London shall in the first instance, be *Two hundred and twenty-two*, but shall be reduced eventually to *One hundred and seventy-one.*

First Lord Mayor of London under Act.

11. The Person who at the Commencement of this Act shall, under the Charters and Customs of the City of London, be Mayor of London, shall be the First Lord Mayor of London (herein-after called "Lord Mayor") under this Act.

Term of Office and Qualification of Lord Mayor.

12. The Lord Mayor shall hold Office for the Space of One Year. Except as aforesaid, he shall be elected by the Common Council of London, and shall be an Alderman of London not for the Time being holding the Office of Deputy Mayor of London, or of Mayor of a Metropolitan Borough; and from and after the Commencement of this Act the Power or Authority of the Court of Common Hall, or of the Liverymen of the City of London, to nominate a Mayor of London, shall cease, and no Court of Common Hall shall be held for the Purpose of such Nomination.

Election and Admission to Office of Lord Mayor.

13. The Election and Admission to Office respectively of the Lord Mayor shall take place (unless otherwise provided by the Common Council of London from Time to Time) on the same respective Days as the Election and Admission to Office respectively of the Mayor of London now take place by virtue of the

Charters and Customs of the City of London, and the First such Election shall take place on the *Twenty-ninth September* and the First such Admission to Office on the *Ninth November* next following the Commencement of this Act.

Customary legal Formalities as to such Admission to Office to be observed.

14. All legal Formalities which have heretofore been customarily observed and fulfilled in respect to the Admission to Office of the Mayor of London shall or may continue to be observed and fulfilled in respect to the Admission to Office of the Lord Mayor; but the Common Council of London shall have Power to dispense with any Ceremonies in reference thereto which they may deem unnecessary.

Lord Mayor to retain all present Dignity and Powers.

15. The Lord Mayor shall at all Times have and retain such Dignity and Precedence in all respects as the Mayor of London has now, and shall or may fulfil and exercise all Duties, Rights, Functions, Powers, and Authorities which by any Law or Statute, or by the Charters and Customs of the City of London, should or might be fulfilled and exercised by the Mayor of London, and shall and may use a Seal of Office as the Mayor of London hath accustomed to do.

Lord Mayor may appoint Deputy Mayor for City of London.

16. The First Lord Mayor shall have Power to appoint under his Hand from among the Aldermen of the City of London a Deputy Mayor of London, who, in the Absence of the Lord Mayor, shall, during his Term of Office, have, enjoy, and exercise all Precedence, Power, Authority, and Jurisdiction within the City of London which the Mayor of London could have, enjoy, and exercise.

Occasional Vacancies in Mayoralty of London.

17. If the Lord Mayor should die or cease to hold Office before the Expiration of his Term of Office as Lord Mayor, the Deputy Mayor of London shall become Lord Mayor for the Remainder of the then current Year of Office of the Lord Mayor, with Power to appoint a Deputy Mayor of London as herein provided.

Election of future Deputy Mayors.

18. Subject as aforesaid, the Deputy Mayor of London shall always be elected by the Council of the City of London from among the Aldermen of the said City, and shall hold Office for One Year; and until the Number of Aldermen of London for the said City shall be reduced to   , exclusively of the said Deputy Mayor, such Deputy Mayor shall be elected from among the Aldermen of London for the said City.

Present Chairman of Metropolitan Board of

19. The Person who at the Commencement of this Act shall be Chairman of the Metropolitan Board of Works shall be Chairman of Standing Committees of the Common Council of London during his

Works to be Chairman of Standing Committees.

his Life, unless he shall sooner resign, or be removed by a Resolution agreed to by Two Thirds of the Members of such Common Council present at any Meeting of the same specially convened for considering the Question of such Removal: Provided always, that if Sir John Thwaites, Knight, shall be the Person who under this Clause would be entitled to hold such Office, and shall decline to accept, or shall at any Time resign the same, he shall be entitled to such yearly Sum during his Life, by way of Retiring Pension, (not being less than Three Quarters of the yearly Salary for the Time being paid to him as Chairman of the Metropolitan Board of Works or of Standing Committees as the Case may be respectively,) as the Common Council of London shall direct, such Retiring Pension to commence from the Date of his declining to hold or resigning Office, and to be paid by equal quarterly Payments.

The Aldermen of London.

20. No Person shall hereafter be styled an Alderman of London unless he shall be a Member of the Common Council of London; and the Successors of the Persons who shall be Aldermen of the City of London at the Commencement of this Act, other than such as shall be Members of the Common Council of London, from Time to Time, shall be styled Aldermen of the City of London.

First Aldermen of London.

21. The First Aldermen of London (exclusively of the Lord Mayor and Chairman of Standing Committees) shall be—

First, all the Persons who, at the Commencement of this Act, shall be Aldermen of the City of London:

Second, all the Persons who, at the Commencement of this Act, shall be Mayors of Metropolitan Boroughs:

Third, Two Persons for every Borough who, at the Commencement of this Act, shall be Aldermen of such Borough.

Aldermen for City of London to be gradually reduced to

22. No Vacancy, from whatever Cause, arising in the Common Council of London amongst the Persons who at the Commencement of this Act shall be Aldermen of the City of London, shall be filled up until the Number of Aldermen of the said City who shall be Aldermen of London shall be reduced to Five, exclusively of the Deputy Mayor of London, from which Time every such Vacancy shall be filled through the Election, within Fourteen Days after the Occurrence of the same, by the Council of the City of London, of One of the Aldermen of the said City to be an Alderman of London for the said City.

Term of Office of Aldermen of London for City of London.

23. Every Alderman of London elected for the City of London (except the Deputy Mayor of London) shall hold Office as such Alderman so long as he shall well behave himself: Provided always, that it shall be lawful for the Council of the City of London from Time to Time to fix a Term (not being less than *Six* Years) during which Aldermen of the City of London shall hold Office as Aldermen of London, and to regulate the Time and Manner of the Election of Aldermen of London for the City of London.

On Death, &c. of Chairman of Standing Committees, Common Council may elect Alderman to hold Office during good Behaviour.

24. On the Death or ceasing to hold Office of the Chairman of Standing Committees, it shall be lawful for the Common Council of London to elect One of its Members to be an Alderman of London for so long as he shall well behave himself, and either to appoint such Alderman Chairman of Standing Committees, or to invest him with such Functions and Powers as the Common Council of London shall think fit, and on the Death or ceasing to hold Office of such Alderman, or any Alderman who may be elected in his Place, to elect another from Time to Time in like Mannner.

Deputy Mayor of London and Mayors of Metropolitan Boroughs to be Aldermen of London.

25. The Deputy Mayor of London, and the Mayor of every Metropolitan Borough, shall, whilst holding Office as such, respectively be and remain Aldermen of London; and every Cause, Matter, or Thing which shall disqualify either from acting as Deputy Mayor of London, or as Mayor of a Metropolitan Borough, (as the Case may be,) shall also disqualify him from acting as Alderman of London.

As to Election of Aldermen or Common Councillors of London to Mayoralty of Metropolitan Borough or Deputy Mayoralty of London.

26. If an Alderman of London be elected Deputy Mayor of London or Mayor of a Metropolitan Borough, his Office as such Alderman shall not be vacated, but the Council of the City of London, or of such Borough, (as the Case may be,) shall elect another Alderman to supply his Place as Alderman of London during the Year of his Deputy Mayoralty or Mayoralty. If a Common Councillor of London be elected Mayor of a Metropolitan Borough, his Office as Common Councillor shall be held to be vacated during the Year of his Mayoralty, and the Council of such Borough shall elect another Councillor to supply his Place during the said Year, but he shall be entitled, at the Expiration of the Year of his Mayoralty, to resume Office as Common Councillor of London for the Residue (if any) then unexpired of his Term of Office as such Common Councillor which had been current at the Time of his Election as Mayor.

Who to be First Aldermen of London for

27. In case only One Election of Aldermen in any Metropolitan Borough (except to fill an occasional Vacancy) shall have taken place before the Commencement of this Act, the Two Aldermen of such Borough who shall become the First Aldermen of London for the same besides the Mayor of such Borough shall be those who have received the largest Number of Votes at such Election of any Aldermen for the Time being in Office who were elected thereat; but in case Two or more such Elections (except as aforesaid) shall have taken place then the Alderman who shall have received the largest Number of Votes at the Election last but One before the Commencement of this Act of any Aldermen for the Time being in Office who were elected at such Election, and the Alderman who shall have received the largest Number of Votes at the Election next before the Commencement of this Act of any Aldermen for the Time being in Office who were elected at such Election, shall become the First Aldermen of London for such Borough besides the Mayor; and every such Alderman shall hold Office as such for the Residue unexpired at the Time of his Election as Alderman of London of his current Term of Office as Alderman of such Borough; except that if both the First Aldermen of London for any Metropolitan Borough shall have been elected at the same Election, One of them, to be determined by Lot amongst themselves, shall go out of Office on the Day of the First Periodical Election of Aldermen in such Borough after the Commencement of this Act.

Metropolitan Boroughs.

Number and Periodical Elections of Aldermen for Metropolitan Boroughs.

28. The Number of Aldermen of London for each Metropolitan Borough shall always be *Two*, exclusively of the Mayor; and at every Election of Aldermen for any Metropolitan Borough which shall take place after the Commencement of this Act (except to fill an occasional Vacancy) One Alderman of such Borough, being the One who shall receive the largest Number of Votes at such Election, shall become Alderman of London for such Borough, and shall hold Office as such (unless he shall sooner resign or become disqualified) for the whole of his current Term of Office as Alderman of such Borough.

The Common Councillors of London.

29. No Person shall hereafter be styled a Common Councillor of London unless he shall be a Member of the Common Council of London, and the Members of the present Common Council of the City of London, other than such as shall be Members of the Common Council of London, from Time to Time, shall be styled Councillors of the City of London.

First Common Councillors of London.

30. The First Common Councillors of London shall be—

First, the Forty-four Persons (other than the Chairman or than any Alderman or Aldermen elected for the City of London) who at the Commencement of this Act shall be Members of the Metropolitan Board of Works:

Second, Forty-two Members of the Council of the City of London, to be elected as herein-afer mentioned:

Third, One hundred and thirty-six Councillors of the several Metropolitan Boroughs, to be elected as herein-after mentioned, in the Proportions set forth in Schedule A. to this Act annexed.

Members of Metropolitan Board of Works to hold Office as Common Councillors for Residue of their Terms of Office on Metropolitan Board.

31. The Persons who shall be Members of the Metropolitan Board of Works at the Commencement of this Act shall retain Office as Common Councillors of London for the Residue of the respective Terms of Office for which they were respectively elected Members of the said Metropolitan Board, unless they shall sooner resign or become disqualified; and every Cause, Matter, or Thing which would have disqualified any such Person from acting as a Member of the Metropolitan Board of Works shall also disqualify him from acting as a Common Councillor of London.

Vacancies among such Members not to be filled up.

32. No Vacancy among the Common Councillors of London arising from the Expiry of the Term of Office, under the Metropolis Local Management Act, 1855, of any Member of the Metropolitan Board of Works, or from his Death or ceasing to hold Office before the Expiry of such Term, shall be filled up.

Council of City of London to elect Common Councillors of London for City.

33. The Council of the City of London shall, at some Meeting to be held before the Commencement of this Act, elect *Forty-two* of its Members to be Common Councillors of London for the City of London, who shall hold Office until the Weekday next following the Day of the Annual Election of Councillors of the said City; and on such Weekday, and on every succeeding Weekday next following the Day of the Annual Election of Councillors of the said City, the County of the said City shall elect from among its Members such Number of Common Councillors of London as, under the Provisions of this Act, it shall be entitled to elect for the Time being.

Term of Office of Common Councillors for City of London.

34. Common Councillors of London, elected for the City of London, shall hold Office, unless sooner removed or disqualified, for the Space of One Year; but it shall be lawful for the Council of the City of London to extend the Term of Office of Common Councillors of London for the City of London to not exceeding Two Years, so nevertheless that the total Number of Common Councillors of London for the said City hereby allowed for the Time being shall not thereby be increased.

35. So

Common Councillors of London for City of London to be gradually reduced to

35. So long as the Aldermen of London for the City of London shall exceed *Five* in Number (inclusively of the Deputy Mayor of London) no Vacancy among the Common Councillors of London for the said City, arising otherwise than by Expiry of the Term of Office of any such Common Councillor, shall be filled, and the Number of Common Councillors of London to be yearly elected by the Council of the City of London shall be reduced by One every Year, until the aggregate Number of Aldermen (including the Lord Mayor, if any, and the Deputy Mayor,) and Common Councillors shall be reduced to Forty-one; but if the Number of Aldermen of London for the said City shall then exceed Six, inclusively of the Lord Mayor, if any, and the Deputy Mayor, then, upon any subsequent Vacancy in the Office of an Alderman of London for the said City, the Council of the said City shall thereupon and from thenceforth annually be entitled to elect One additional Common Councillor of London for the said City, until the total Number of Aldermen of London for the said City shall be Six, inclusively of the Lord Mayor, if any, and the Deputy Mayor, and of Common Councillors of London for the said City Thirty-five, which said Numbers of Six and Thirty-five shall from thenceforth be the fixed Number of Aldermen and Common Councillors of London respectively for the said City.

Occasional Vacancies among Common Councillors for City of London.

36. In case of any occasional Vacancy among the Common Councillors of London arising through the Death or ceasing to hold Office before the Expiry of his Term of a Common Councillor of London for the City of London, after the aggregate Number of Aldermen and Common Councillors of London for the said City shall have been reduced to Forty-one, the Council of the City of London shall elect another Councillor of the said City to supply such Vacancy; and every Common Councillor of London elected by the said Council to supply an occasional Vacancy shall hold Office for the Residue of the Term of Office of the Person in whose Place he shall be elected which was current at the Time when the Vacancy occurred.

Number and Distribution of Common Councillors of London for Metropolitan Boroughs.

37. The Number of Common Councillors of London for the Metropolitan Boroughs shall always be *One hundred and thirty-six*, and such Common Councillors shall be elected for the several Boroughs respectively in the Proportions set out in Schedule A. to this Act annexed.

First Common Councillors of London for Metropolitan Boroughs.

38. The Persons who shall become the First Common Councillors of London for every Metropolitan Borough shall be the Councillors who received the largest Number of Votes of any Councillors in Office at the Commencement of this Act, who were elected at the Periodical Election, or the last Periodical Election of Councillors for the said Borough previous to the Commencement of this Act; and every such Common Councillor shall retain his Office (unless he shall sooner resign or become disqualified to act) until the next Periodical Election of Councillors for such Borough after the Commencement of this Act.

Election of Common Councillors for Metropolitan Boroughs.

39. The Elections of Common Councillors of London for the several Metropolitan Boroughs shall take place yearly on the same Days and in the same Manner as the Annual Elections of Councillors of such Boroughs, beginning with the First such Annual Election which shall take place after the passing of this Act; and every Person entitled to vote in the Election of Councillors of a Metropolitan Borough shall be entitled to vote in the Election of Common Councillors of London for the same, and every such Person may either include the Names of the Persons for whom he votes as Common Councillors, with the Addition of the Words or Initials "Common Councillor," or "C. C.," in the Voting Paper containing the Names of the Persons for whom he votes as Councillors, or may deliver in a separate Voting Paper containing the Names of the Persons for whom he votes as Common Councillors, with such Addition as aforesaid; and the Persons to be elected Common Councillors for any Metropolitan Borough may either be already Councillors of such Borough, or may be elected Councillors of the same at such Election simultaneously with their Election as Common Councillors, or may be any other Persons qualified to be elected Councillors of such Borough; and the Votes for Common Councillors shall be received at any Place where Votes are received for Councillors of the same Borough for which such Common Councillors stand for Election.

In case of Doubt as to Aldermen or Common Councillors for Metropolitan Borough, Mayor of Borough to select.

40. In case any Doubt shall arise by reason of Equality of Votes at any Election of Aldermen or Councillors for a Metropolitan Borough as to the Person who should be entitled to become an Alderman or Common Councillor of London for such Borough, under the Provisions of this Act, the Mayor of such Borough shall select from among the Aldermen or Common Councillors of the same (as the Case may be) respecting whom such Doubt arises One who shall become Alderman or Common Councillor of London (as the Case may be) for such Borough.

Occasional Vacancies among Aldermen or Common Councillors

41. In case of any occasional Vacancy amongst the Aldermen or Common Councillors of London arising through the Death or ceasing to hold Office before the Expiry of his Term of an Alderman or Common Councillor for a Metropolitan Borough, the Council of such Borough shall elect another Alderman or Councillor of the same (as the Case may be) to supply the Vacancy; and every Alderman or Councillor so elected shall hold Office as Alderman or Common Councillor of London respectively (as the Case may be) during the Residue only of the Term of Office of the Alderman or Common Councillor respectively in whose Place he shall be elected which was current at the Time when the Vacancy occurred.

for Metropolitan Boroughs.

Aldermen and Common Councillors of London for Metropolitan Boroughs to be Members of Corporation of London.

42. Every Mayor of a Metropolitan Borough, and every Alderman and Councillor of a Metropolitan Borough who shall be an Alderman or Common Councillor of London, shall, whilst holding Office as such Mayor or Alderman or Common Councillor of London respectively, be a Member of the Corporation of London.

Lord Mayor, Deputy-Mayor, Aldermen, and Common Councillors, re-eligible.

43. The Lord Mayor Deputy Mayor, and every Alderman and Common Councillor of London going out of Office shall be always re-eligible, if qualified for Office.

Aldermen and Common Councillors of London may resign Office in City or Metropolitan Borough.

44. Every Alderman and Common Councillor of London, being an Alderman or Councillor of the City of London or of any Metropolitan Borough, may resign his Office as Alderman or Councillor of the City of London or of such Metropolitan Borough without thereby resigning his Office as Alderman or Common Councillor of London, and shall, notwithstanding such Resignation of his Office of Alderman or Councillor of the City of London, or of a Metropolitan Borough, be entitled to fulfil the same Term of Office as an Alderman or Common Councillor of London as if he had not resigned such Office of Alderman or Councillor of the City of London or of a Metropolitan Borough respectively.

Qualifications and Disqualifications of Aldermen and Common Councillors of London.

45. Any Person who, under the Charters and Customs of the City of London or under the Municipal Corporation Acts respectively, as the Case may be, may be qualified to be Alderman or Councillor of the said City or of a Metropolitan Borough respectively, may be qualified to be Alderman or Common Councillor of London for the said City or for a Metropolitan Borough respectively, and any Act, Matter, or Thing which, under the Charters and Customs of the City of London or under the Municipal Corporation Acts respectively, would disqualify any such Person from holding the Office of Alderman or Councillor of the said City or of a Metropolitan Borough respectively, as the Case may be, or from acting as such respectively, shall also disqualify him from holding Office as Lord Mayor or Deputy Mayor of London, Alderman or Common Councillor of London for the said City or for a Metropolitan Borough respectively, or from acting as such respectively, as the Case may be.

Penalty on Persons not qualified acting as a Lord Mayor, &c.

46. If any Person act as Lord Mayor, Deputy Mayor, Alderman, or Common Councillor of London without being duly qualified or after he shall cease to be qualified or have become disqualified to hold such Office, he shall for every such Offence forfeit such Sum of Money and to be recovered in such Manner in all respects as by the Charters and Customs of the City of London is provided in the Case of Persons acting as Mayor, Aldermen, or Councillors of London respectively, as the Case may be, in the like Event; every such Penalty to be cumulative with and not in substitution for any Penalty or Penalties incurred by any such Person for acting as Mayor, Deputy Mayor, Alderman, or Councillor of the City of London or of a Metropolitan Borough respectively without being duly qualified or after ceasing to be qualified or becoming disqualified to hold such respective Office: Provided always, that all Acts and Proceedings of any Person in possession of the Office of Lord Mayor, Deputy Mayor, Alderman, or Common Councillor of London, and acting as such respectively, shall, notwithstanding his Disqualification or Want of Qualification, be as valid and effectual as if he had been duly qualified.

Constitution of Common Council not to be invalidated by Omission to elect Aldermen or Common Councillors.

47. The Constitution of the Common Council of London shall not be invalidated, nor shall any of its Proceedings be prejudicially affected, by any Omission, Failure, or Refusal on the Part of the Council of the City of London, or of any Metropolitan Borough, or of the Electors of the same, to elect any Aldermen or Common Councillors of London, nor by the Omission or Refusal of any Person elected Alderman or Common Councillor of London to take up and fulfil his Office.

Quorum of Common Council of London.

48. The Quorum of the Common Council of London shall be *Thirty*, of whom the Lord Mayor, or in his Absence the Deputy Mayor of London, shall be One, and which shall comprise at least Two other Aldermen of London.

Common Council may appoint Standing and other Committees.

49. The Common Council of London shall and may from Time to Time appoint, and again revoke and dissolve, such and so many Standing and other Committees, composed of any One or more of its Members, as it may think fit, for the Transaction of Business, and may delegate to and distribute among the said Committees or any of them such and so many of its Duties, Powers, and Authorities as it may think fit from Time to Time.

Proceedings of Common Council to be regulated

50. The Proceedings of the Common Council of London and of its Committees shall be regulated (except as herein provided, or as the said Common Council shall from Time to Time determine,) by the Charters and Customs of the City of London relating to the Common Council of the said City and to its Committees, and a printed Copy of such Charters and Customs, so far as they apply to such Proceedings, shall be supplied to every Member of the Common Council of London.

by Charters and Customs of City of London.

51. Minutes of all Proceedings of the Common Council of London shall be entered in the existing Repertories of the City of London for the Proceedings of the Court of Aldermen of the said City.

Minutes of Proceedings of Common Council.

52. The Common Council of London shall have the sole Control and Management of all Duties, Tolls, Revenues, Real and Personal Estate whatsoever, of or belonging to or vested in or which may be in the Hands of the Corporation of London, now or at any Time hereafter, and shall have the sole Custody and Control of all Charters, Deeds, Records, Muniments, and Documents whatsoever belonging to or concerning the said Corporation, except such Rates as may be lawfully levied by the Council of the City of London, or by the Commissioners of Sewers of the City of London, under the Provisions of this or any other Act of Parliament, and except such Records, Muniments, and Documents as the Common Council of London may from Time to Time see fit to leave or place in the Custody or Control of the Council of the City of London.

Common Council to have sole Control and Management of Corporation Property.

53. The Common Council of London shall have and exercise such Authority, Control, and Jurisdiction over all Officers and Servants of the Corporation of London, whether elected or appointed before or after the Commencement of this Act, (except those whose Election or Appointment is hereby reserved to or vested in the Council of the City of London,) as the Court of Aldermen and the Common Council of the City of London, or either of them respectively, has now; and the Common Council of London may from Time to Time discontinue the Appointment of such Officers and Servants as shall appear to the Common Council of London not necessary to be re-appointed, and may also appoint and again revoke from Time to Time new or additional Officers and Servants of the Corporation of London, on such Conditions, under such Securities, with such Qualifications, Functions, and Powers, and for such Terms of Office respectively, as it may think fit, from Time to Time, for the better Fulfilment and Exercise of the Functions, Powers, and Authorities of the Corporation of London.

Common Council to have Control over Officers.

Common Council to fix Salaries, &c.

54. The Common Council of London shall and may from Time to Time fix and determine the Salary of the Lord Mayor, and also (if it shall think fit) of the Deputy Mayor of London, (the Salary of the Lord Mayor not to be less than the Salary now paid to the Mayor of the City of London,) the Salary of the Chairman of Committees of the Common Council (not to be less than that of the Chairman of the Metropolitan Board of Works at the Commencement of this Act), and the Salaries and Remunerations of all other Officers and Servants of the Corporation of London (except those whose Appointment is hereby reserved to or vested in the Council of the City of London), and may also allow to the Standing and other Committees of the Common Council of London such yearly or other Sums of Money for the Attendance of the Members of such Committees as it shall think fit from Time to Time.

Common Council to have Cognizance of Elections.

55. The Common Council of London shall have such and the same Cognizance of the Election of Aldermen and Common Councillors of London as the Court of Aldermen of the City of London now has of the Election of Common Councillors of the said City, and shall in that Behalf be a Court of Record.

Common Council to order Application of Common Seal.

56. The Common Council of London shall have sole Power and Authority from Time to Time to alter or renew the Common Seal of the Corporation of London, and (except in Cases where a separate Seal is hereby authorized to be used by the Council of the City of London) to order the Application of the said Common Seal of the Corporation of London to any Deed, Document, or Writing to which the same should or lawfully may be applied.

PART IV.

Officers of the Corporation.

Designation of the Officers of the Corporation.

57. The Sheriffs, Recorder, Chamberlain, Common Serjeant, and all other Officers of the City of London, except those who may be appointed or elected by the Council of the City of London, or any Committee of the same, the Court of Common Hall, or the Commissioners of Sewers of the said City, under the Provisions of this Act, shall from and after the Commencement of this Act, according to the Titles of their respective Offices, be styled Officers of London, and not of the City of London; but every Officer appointed or elected by the Council, the Court of Common Hall, or the Commissioners of Sewers of the City of London, shall, according to his respective Title of Office, be styled an Officer of the City of London, and not an Officer of London.

58. No

Officers need not be Freemen of City.

58. No Officer or Servant of the Corporation of London, who by this Act is placed under the Control of the Common Council of London, or may hereafter be appointed or elected by the same, shall need to be a Freeman of the City of London, anything in the Charters and Customs of the said City to the contrary notwithstanding.

Officers to continue till removed, but may resign.

59. Every Officer and Servant of the Corporation of the City of London who by this Act is placed under the Control of the Common Council of London, and every Officer and Servant of the Metropolitan Board of Works, unless and until removed by the Common Council of London, shall continue to act in the same Capacity as heretofore, and to execute all Duties heretofore belonging to his Office, and be entitled to have the same Salary, Fees, or Emoluments as he would have had if this Act had not passed: Provided always, that it shall be lawful for any such Officer or Servant to resign his Office or Service, by Notice under his Hand to the Common Council of London, to be delivered or sent to the Lord Mayor at least One Fortnight before a Day to be therein signified for such Resignation.

Officers to account to Common Council.

60. Every Officer and Servant of the Corporation of London, heretofore an Officer or Servant of the Corporation of the City of London, who by this Act is placed under the Control of the Common Council of London, or heretofore an Officer or Servant of the Metropolitan Board of Works, and every Officer and Servant hereafter to be appointed by the Common Council of London, shall from Time to Time and at all Times account to the Common Council of London, or to such Persons as such Common Council may appoint from Time to Time, for all Matter committed to his Charge, and for all Monies received by him, and shall, when required by the said Common Council, deliver up and pay, as it shall appoint from Time to Time, all Monies, Goods, valuable Securities, Books, Deeds, and Papers belonging to or concerning the Corporation of London or the Metropolitan Board of Works which may be in his Possession or Receipt; and if any such Officer or Servant, heretofore an Officer or Servant of the Corporation of the City of London, shall at any Time refuse or wilfully neglect to render account of, deliver up, or pay any such Securities, Monies, or other Things as aforesaid, such Person shall be liable to such Process, Punishment or Penalty as under the Charters or Customs of the City of London is provided in the like Case; and if any such Officer or Servant, heretofore an Officer or Servant of the Metropolitan Board of Works, shall so refuse or neglect, such Person shall be liable to such Process, Punishment or Penalty as under the Metropolis Local Management Acts is provided in the like Case.

Compensation to Officers removed.

61. The Provisions of the Municipal Reform Act, Sections Sixty-six and Sixty-seven, as to the Compensation of Officers, shall apply to every Officer of the Corporation of the City of London, or of the Metropolitan Board of Works, whose Office shall be abolished, or who shall be removed from Office by the Common Council of London under the Provisions of this Act, or who shall not be re-appointed as aforesaid, the said Enactments being read as if the Words " Common Council of London " were therein contained instead of " Council," or " Council of the Borough ;" the Words " Funds of the Corporation of London," instead of " Borough Rate " or " Borough Fund ;" the Words " Lord Mayor," instead of " Mayor ;" the Word " Chamberlain," instead of " Treasurer ;" and the Words " Common Seal of the Corporation of London," instead of the Words " Common Seal of the Borough out of whose Funds the same shall be payable ;" and for the Purposes of such Compensation any Office held from Year to Year, but of which since the Beginning of the present Century the Holder for the Time being hath been customarily re-elected, may be considered a permanent One.

Sheriffs, Chamberlain, &c. to be elected by Common Council.

62. The Sheriffs, the Chamberlain, the Auditors of Accounts, and the Bridge Masters of London shall, from and after the First Vacancies in the said Offices respectively which shall take place after the Commencement of this Act, be from Time to Time elected by the Common Council of London ; and the Powers of electing Sheriffs, of electing a Chamberlain, of electing Auditors of Accounts, and of electing Bridge Masters, heretofore vested in the Court of Common Hall of the said City shall cease : Provided always, that, until the Common Council of London shall otherwise determine, the said several Officers shall hold Office for the same Periods, if any, and (except as herein expressly provided) under the same Conditions and shall be elected at the same Times respectively as heretofore.

Any Alderman of London may be Sheriff.

63. Any Alderman of London may be elected a Sheriff of London.

Functions, &c. of Sheriffs not to be affected.

64. Nothing herein contained shall affect the Functions, Powers, and Authorities of the Sheriffs of London, whether acting as Sheriffs of London or as Sheriff of Middlesex.

Recorder, how to be elected.

65. The Recorder of London shall be elected by the Common Council of London, subject to the Approval of Her Majesty, to be signified by the Lord High Chancellor of Great Britain.

66. The Common Serjeant of London shall be elected by the Common Council of London.

Common Serjeant to be elected by Common Council.

67. Every Person, duly qualified, who shall be elected to the Office of Lord Mayor, Deputy Mayor, Sheriff, Alderman, or Common Councillor of London, or to any Office under the Corporation of London, for the Non-acceptance of which a Fine would be payable under the Charters and Customs of the City of London, shall accept the Office to which he shall have been elected, or shall in lieu thereof pay to the Corporation of London such Fine as, under the Charters and Customs of the City of London, he would be liable to pay for the Non-acceptance of the Office of Mayor, Sheriff, Alderman, or Councillor of London, or other the Office to which he shall have been elected (a Deputy Mayor being liable to pay the same Fine as if elected Lord Mayor); but every such Person shall be entitled to claim the like Exemptions from accepting or serving Office as under the Charters and Customs of the City of London he would be entitled to in the like Event.

Fines for Non-acceptance of Office.

68. Every Alderman of London shall, during his Term of Office, be ex officio a Governor of the Hospitals of Edward the Sixth King of England of Christ, Bridewell, and St. Thomas the Apostle, and of the Hospitals of Henry the Eighth King of England called the House of the Poor in West Smithfield, and of the House and Hospital called Bethlehem; and the Common Council of London shall have Power to appoint the Twelve Commissioners for every of the said Hospitals whom, under the Act of the Twenty-second Year of the Reign of His late Majesty late King George the Third, Chapter Seventy-seven, the Common Council of the City of London is authorized to appoint.

As to Governors of City Hospitals.

PART V.

Southwark.

69. All Powers, Authorities, and Jurisdictions whatsoever which the Corporation of the City of London, or the Mayor or any of the Courts or Officers of the same, have, or hath, by virtue of any Law or Statute, or of the Charters or Customs of the City of London, at any Time heretofore had or exercised, or claimed to have or exercise, over or within the Borough of Southwark or any Part of the same, or the Ward of Bridge Without, (except the Right to recover and receive such Duties, Tolls, or Revenues as under the Provisions of this Act or otherwise may be placed under the Control of the Common Council of London, and all Powers and

Powers of Corporation of London over Southwark to cease.

and Authorities incidental to such Recovery or Receipt,) shall absolutely cease and determine.

No Alderman, &c. for Bridge Without to be elected.

70. No further Election of an Alderman, or a Justice, or of any Clerks to Justices, or other Officers for the Ward of Bridge Without, shall take place after the passing of this Act; but nothing in this Clause contained shall affect the Interests of the present Holders of the said respective Offices as Officers of the Corporation of London respectively.

Common Council to dispose of Corporation Property in Southwark.

71. The Common Council of London shall take such Steps as it shall think fit for disposing of such Lands, Offices, and other Real and Personal Property of the Corporation of London within the Borough of Southwark, if any, (other than the Bridge House Estates,) as shall not be required by the said Corporation for the Purposes of this Act, and for otherwise releasing and enfranchising the said Borough of Southwark and the Inhabitants thereof from all Control of the said Corporation; and, subject as aforesaid, all Charters and Customs of the City of London relating to the Borough of Southwark, or to the Ward of Bridge Without, or to any of its Courts or Officers, shall absolutely cease and be void.

Town Hall to be built for Southwark.

72. The Common Council of London shall, at the Expense of the Funds of the Corporation of London, build a Town Hall for the Borough of Southwark, upon such Terms as may be agreed on between the said Common Council and the Council of the said Borough.

PART VI.

Council of City of London.

Court of Aldermen and Council of City of London to be united.

73. From and after the Commencement of this Act, the Court of Aldermen of the City of London shall cease to sit apart from the Council of the City of London, and to fulfil or exercise any separate and distinct Functions, Rights, Powers, or Authorities from those of the said Council.

Functions, &c. reserved to Council of City of London.

74. The following Functions, Rights, Powers, and Authorities are by this Act reserved to or vested in the Council of the City of London; viz.,

The Jurisdiction heretofore exercised by the Court of Aldermen of the said City in respect of the Election of Officers in the Wardmotes of the said City and of Councillors and other Officers of the said City:

All Functions, Rights, Powers, and Authorities which at the Commencement of this Act shall concern the Committee of Livery of the said Court:

The Election of a Clerk and Assistant Clerk to the Deputy Mayor of London:

The Election of the Coroner of the said City:

The Nomination and Appointment of the Commissioners of Sewers of the City of London:

The Election of the Clerk of the Works of the City of London:

The Power to appoint, and from Time to Time replace or dismiss, all such Officers, Clerks, and Servants as the said Council may deem it necessary or expedient to employ for the better carrying on of the Business of the same:

The Power from Time to Time (subject as herein provided) to fix the Salaries, Compensations, or Remunerations of the Deputy Mayor of London, and of all Officers, Clerks, and Servants whom the Council of the said City is hereby authorized to appoint:

The Power to order all Payments which heretofore have been or might have been lawfully made out of the Cash or Funds of the said City, in, for, or towards the Fulfilment and Exercise of the Functions, Rights, Powers, and Authorities hereby reserved to the Council of the said City:

The Power to make Byelaws and Acts of Council for the better Fulfilment and Exercise of the Duties, Rights, Powers, and Authorities hereby reserved to the Council of the City of London:

All Functions, Powers, and Authorities heretofore exercised by the Court of Aldermen or the Common Council of the City of London in reference to the City Police:

All Functions, Powers, and Authorities incident or subsidiary to the Fulfilment and Exercise of the Functions, Rights, Powers, and Authorities hereby reserved to the Council of the City of London:

Provided always, that any Byelaw, Act of Council, or Proceeding whatsoever of the Council of the City of London which shall be contrary to or inconsistent with the Provisions of this Act shall be void.

Council of City of London to have Powers of Council of Metropolitan Borough.

75. Subject as herein mentioned, the Council of the City of London shall have and exercise all the Powers and Authorities within the said City (including the Powers to raise Borough Rates) which the Council of any Metropolitan Borough may have and exercise within such Borough.

Council of City of London may use separate Seal.

76. For the better Fulfilment and Exercise of the Functions Rights, Powers, and Authorities hereby reserved to or vested in or which may hereafter become vested in the Council of the City of London, the Common Council of London may from Time to Time provide a separate Seal of the Corporation of London, to remain under the Control and Custody of and to be used by the Council of the said City, and of which the said Council may from Time to Time order the Application to any Deed, Document, or Writing required for or employed in the Fulfilment and Exercise of the Functions, Rights, Powers, and Authorities so reserved to or vested in the said Council, to which the same should or lawfully might be applied; and every such Deed, Document, or Writing, sealed with the said Seal by Order of the Council of the City of London, shall be of the same Force and Validity in all respects as if sealed with the Common Seal of the Corporation of London by Order of the Common Council of London.

Council of City of London, &c. may meet at accustomed Places.

77. The Council of the City of London, and the Court of Common Hall of the said City, shall or may meet at such Places as hath been heretofore accustomed respectively, so far as such respective Places of Meeting shall not be required by the Common Council of London for the Purposes of this Act, and, until otherwise provided by the said Common Council, shall, for the Purposes of such their respective Meetings, have and retain the Use of such Articles and Things the Property of the Corporation of London, and of the Services of such Officers and Servants of the Corporation of London hereby placed under the Control of the Common Council of London, as the Courts of Aldermen, Common Council, and Common Hall of the said City respectively have been accustomed to use in or for the Transaction of Business, either gratuitously or for such Compensation as may be agreed upon between the Common Council of London and the Council of the City of London in every such Case respectively.

Aldermen and Common Councillors of London, as such, not to sit in Lord Mayor's Court or City Council.

78. Nothing in this Act contained shall be construed to give to any Alderman or Common Councillor of London (except the Lord Mayor), who shall not be also an Alderman or Councillor (as the Case may be) of the City of London, any Right to sit in the Lord Mayor's Court, or in the Council of the said City.

Nothing in Act to affect Lord Mayor's Court.

79. Nothing in this Act contained shall affect the Constitution, Jurisdiction, Functions, Powers, or Proceedings of the Lord Mayor's Court, except as respects the Right of the Lord Mayor, although not a Citizen or Alderman of London, to sit in or preside over the same.

Nothing in Act to affect City Commissioners of Sewers.

80. Except as herein specially provided, nothing in this Act contained shall affect the Constitution, Powers, or Proceedings of the Commissioners of Sewers of the City of London, or of any of their Officers, or the Provisions of "The City of London Sewers Act, 1848," as amended by "The City of London Sewers Act, 1851."

Nothing in Act to affect Court of Lieutenancy of City.

81. Nothing in this Act contained shall affect the Constitution, Powers, Privileges, or Proceedings of the Court or Commissioners of Lieutenancy for the City of London.

Except as provided, nothing in Act to affect Government of Wards in City, &c.

82. Except as herein specially provided, nothing in this Act contained shall affect the Government of any Ward or Wards into which the City of London is divided, or the Election or Qualification of the Aldermen or Councillors of the said City, or of the Persons entitled to vote in the Election of the same respectively, or the Constitution, holding, and Proceedings of the Council of the City of London, or the Court of Common Hall of the said City, or the Functions, Powers, and Authorities of Deputies, or shall in anywise diminish or prejudice the Rights, Powers, and Privileges of the Aldermen or Councillors of the City of London in their respective individual Capacities; and, except as aforesaid, all Charters and Customs of the City of London relating to the Officers of the said City, to the Court of Aldermen, and to the Common Council of the same respectively, shall continue to apply to the Officers of London and of the City of London respectively, and to the Council of the said City, as if this Act had not been passed.

Nothing in Act to enlarge Rights of Aldermen, &c. of City.

83. Provided always, That nothing in this Act contained shall be construed to enlarge the Rights, Powers, and Privileges of any of the Aldermen or Councillors of the City of London, not being Aldermen or Common Councillors of London, or of any Officer of the City of London, or to enable the same to be enjoyed and exercised elsewhere than within the said City of London, or to enlarge the Powers, Privileges, and Jurisdictions of the Lord Mayor's Court, or of the Council of the said City.

Rights, &c. of Freemen, Liverymen, and Citizens of London not to be affected.

84. Except as herein specially provided, nothing in this Act contained shall affect the Rights, Privileges, Franchises, and Immunities of any Freeman, Liveryman, or Citizen of London; but nothing herein contained shall be construed in any wise to enlarge or extend the same or any of them.

PART VII.

Metropolitan Rates, &c.

Metropolitan Rates.

85. Rates which by the Metropolis Local Management Acts are authorized to be raised by the Metropolitan Board of Works shall, when raised by the Corporation of London, under the Provisions of this Act, be termed "Metropolitan Rates."

As to Rates made before Act by Metropolitan Board of Works.

86. All Rates made by the Metropolitan Board of Works previously to the Commencement of this Act, or so much thereof as may not then have been levied and paid, shall be levied and paid to the Corporation of London, to be applied, so far as Circumstances admit, to the same Purposes as the same would have been applicable to if this Act had not been passed.

Precepts for Sums assessed upon City of London, how to be directed.

87. Any Precept for obtaining Payment of Sums assessed upon the City of London which under the Metropolis Local Management Acts should be directed to the Chamberlain of the said City shall be directed to the Council of the City of London, and the Provisions of the said Acts relating to the Payment by the said Chamberlain of the Sums required by any such Precept to be paid shall apply to the Council of the City of London.

Existing Contracts, &c. of Metropolitan Board of Works to be valid.

88. All Contracts, Agreements, Bonds, Covenants, or Securities made or entered into with or in favour of the Metropolitan Board of Works, or any Person on their Behalf, before the Commencement of this Act, shall remain as valid and effectual and be proceeded on and enforced as if this Act had not been passed; and no Action, Suit, Prosecution, or Proceeding commenced or carried on by or against the Metropolitan Board of Works shall abate or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect as if this Act had not been passed; and all Monies coming to the Metropolitan Board of Works under any such Contract, Agreement, Bond, Covenant, Security, Action, or Proceeding shall be paid over to the Common Council of London, or as they may direct, and be applied for the like Purposes as the same might have been applied to by the Metropolitan Board of Works if this Act had not been passed; and all Monies and Liabilities which the Metropolitan Board of Works would have been liable to pay or discharge under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, out of any Rates levied by the said Board under the Powers of the Metropolis Local Management Acts, and all Costs, Damages, and Expenses which the Metropolitan Board of Works might, if this Act had not been passed, have legally defrayed out of any such Rates, shall be paid out of the Metropolitan Rates to be levied by the Common Council of London.

89. All Decrees and Orders made, Fines and Penalties imposed and incurred, respectively, previously to the Commencement of this Act, in any Action, Suit, or Proceedings by or on behalf of or against the Metropolitan Board of Works, shall and may be enforced, levied, recovered, and proceeded for by or on behalf of or against the Corporation of London, and all administrative Proceedings commenced previously to the Commencement of this Act shall and may be continued and completed by the said Corporation, the Corporation of London being, in reference to the Matters aforesaid, in all respects substituted in the Place of the said Board.

Decrees, &c. made and Fines imposed before Act to be enforced by or against Corporation of London.

90. All Debts and Liabilities legally charged upon or payable out of any Rates or Assessments authorized by the Metropolis Local Management Acts to be made by the Metropolitan Board of Works shall be charged upon the Metropolitan Rates to be raised under this Act by the Common Council of London, and the Common Council of London shall cause the Sums necessary for discharging such Debts and Liabilities to be raised as in the Metropolis Local Management Acts is provided.

Existing Debts and Liabilities on Rates to be discharged.

91. Every Mortgagee or other Person entitled to any Mortgage made or entered into by the Metropolitan Board of Works, under the Provisions of the Metropolis Local Management Acts, before the Commencement of this Act, shall have the same Rights and Remedies in relation thereto, against the Corporation of London and the Metropolitan Rates, as he would have had against the Metropolitan Board of Works or any Rates raised by the said Board if this Act had not been passed.

Mortgagees of Rates to retain Remedies.

92. All Powers which by the Metropolis Local Management Acts are given to the Metropolitan Board of Works, and also all Powers which by the Act of the Fifty-seventh Year of the Reign of His late Majesty King George the Third, Chapter Twenty-nine, for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein, are given to the Commissioners or Trustees or other Persons therein referred to, of taking Land, or Rights or Easements in or over Land, compulsorily, may be exercised by the Corporation of London for the Improvement of any Streets, Thoroughfares, or public Places from Time to Time existing in the County of London, and also for the Purpose of freeing any Thoroughfares (including Bridges) within the said County from Tolls, Gates, and Bars, and the previous Consent of One of Her Majesty's Principal Secretaries of State shall not be required for the compulsory taking by the Corporation of London of any Land, or Right or Easement in

Extended Powers of compulsory Purchase of Land.

or over Land, for any of the Purposes of the Metropolis Local Management Acts or of this Act.

Provisions of Metropolis Local Management Acts to remain in force.

93. Except so far as it is otherwise hereby specially enacted, all Enactments of the Metropolis Local Management Acts which shall be in force at the Commencement of this Act shall continue to apply to any Act or Matter to which the same may relate, as if this Act had not been passed, the Corporation of London being in all respects substituted in the Place of the Metropolitan Board of Works: Provided always, that, except as herein expressly provided, nothing herein contained shall be construed to extend any such Enactment to any Act or Matter not within the Purview of the Metropolis Local Management Acts.

PART VIII.

Justices of London and County Officers.

Commission of the Peace may be issued for County of London.

94. It shall be lawful for Her Majesty, from Time to Time, to assign to so many Persons (including all the Aldermen of London for the Time being) as She shall think proper, Her Majesty's Commission to act as Justices of the Peace in and for the County of London, who shall be styled "Justices of London:" Provided always, that every Person so to be assigned shall reside within the County of London, or within Twenty-five Miles of the Guildhall in the City of London, during such Time as he shall act as a Justice of the Peace in and for such County.

Aldermen of London need not be qualified by Estate.

95. No Alderman of London shall be disqualified to act as a Justice of the Peace for the City of London by reason only that he has not such Qualification by Estate as may be required by Law in the Case of Justices of the Peace for a County.

Justices of London to have all Powers, &c. of Justices of Counties.

96. From and after the issuing of Her Majesty's Commission of the Peace for the County of London, all Jurisdictions, Functions, Powers, and Authorities which shall for the Time being be vested in or held by Her Majesty's Justices of the Peace for the Counties of Middlesex, Surrey, and Kent, or any Four, Three, Two, or One of them (except Police Magistrates and Commissioners of Police), and which shall be capable of being exercised by such Justices in and for the Metropolis or any Part of the same respectively, shall, within and so far as respects the County of London, be transferred to and become exclusively vested in the Justices of London, or any Four, Three, Two, or One of them respectively, except so far as it is herein otherwise expressly provided; but nothing herein contained shall hinder Her Majesty from issuing a separate Commission of the

Peace for the City of London, or for any Metropolitan Borough, to as many Persons as she may from Time to Time think proper, who may thereupon have and enjoy within and for such City of London or Metropolitan Borough respectively all such Jurisdiction, Powers, and Authorities of Justices for such City or Borough respectively as are not hereby expressly reserved to or vested in or may not be from Time to Time hereafter expressly vested in the Justices of London.

97. In the Fulfilment and Exercise of all Functions, Jurisdictions, Powers, and Authorities hereby vested in the Justices of London, the said Justices shall, within the City of London, have and exercise all Powers and Authorities which Justices of the said City may have or exercise at the Commencement of this Act.

Justices of London to have within City of London Powers of Justices of City.

98. For the Purposes of The Prison Act, 1865, and of every Act amending the same, the County of London shall be deemed to be a County having a separate Prison Jurisdiction; and all Prisons situate within the same which at the Commencement of this Act shall be within the Prison Jurisdiction of the Counties of Middlesex, Surrey, or Kent respectively, or of the City of London, shall, from and after the issuing of Her Majesty's Commission of the Peace for the County of London, be deemed to be within the separate Prison Jurisdiction of the County of London.

County of London to have separate Prison Jurisdiction.

99. The Prison Authority of the County of London shall be the Justices of London in Quarter Sessions assembled, except as respects the Sections of The Prison Act, 1865, or of any Act amending the same, which relate to the Enlargement and rebuilding of Prisons, the Purchase of Land, and the Disposal of unnecessary Prisons; and for all Purposes provided for by the said Sections, or any of them, the Common Council of London shall be the Prison Authority of the County of London.

As to Prison Authority of County of London.

100. In the Case of any proposed Alteration or Enlargement or rebuilding of an existing Prison, or of the proposed Building of a new Prison within the Prison Jurisdiction of the County of London, the Certificate of the Recorder of London shall be deemed sufficient within the Intendment of Section Twenty-four of The Prison Act, 1865.

Certificate of Recorder of London sufficient for Alteration, &c. of Prisons.

101. For the Purposes of The Lunatic Asylums Act, 1853, The Lunacy Acts Amendment Act, 1862, and all Acts construed as One therewith or with either of the same respectively, or amending the same or either of them, the City of London and every Metropolitan Borough shall be deemed to be Boroughs annexed to the

Lunacy Acts, how to apply.
8 & 9 Vict. c. 100.,
16 & 17 Vict. cc. 96. 97.,
25 & 26 Vict. c. 111.

County of London; and the General or Quarter Sessions of the Justices of London shall be deemed to be the General or Quarter Sessions of the said County intended by every such Act, except as respects the raising of County Rates, or of Money upon Mortgage of County Rates, for the Purposes of any such Act, or the Repayment of the same; but the Common Council of London shall, for the Purposes of the said Acts or any of them, have and exercise all Functions, Powers, and Authorities of Justices of a County in General or Quarter Sessions assembled as respects the raising of County Rates, or of Money upon Mortgage of County Rates, and the Repayment of Monies borrowed for the Purposes of the said Acts or any of them.

Appeals to General or Quarter Sessions under Licensing Acts to lie to Justices of London.

102. Whenever, under the Provisions of any Act or Acts of Parliament, authorizing the granting or transferring of any Licences by the Justices of the Peace of a City, Town Corporate, or Town, an Appeal would lie from the Act of a Justice of the Peace for the City of London or for any Metropolitan Borough to the General or Quarter Sessions of the same, such Appeal shall, from and after the issuing of any Commission of the Peace for the County of London, lie to the General or Quarter Sessions of the Justices of London, which shall be deemed to be in all respects the General or Quarter Sessions of the Peace intended by every such Act or Acts of Parliament.

Appeals as to County Rates to lie to Justices of London.

103. Whenever, under the Provisions of any Act or Acts of Parliament relating to the levying of County Rates or Rates in the Nature of County Rates, or of this Act, an Appeal would lie against any Basis or Standard of Assessment for County Rates or Rates in the Nature of County Rates to be levied within the County of London, or against any Rate levied or proposed to be levied within the said County, such Appeal shall, from and after the issuing of any Commission of the Peace for the County of London, lie to the Quarter Sessions of the Justices of London, which for the Purposes of every such Appeal shall be deemed to be the Quarter Sessions mentioned by any such Act; and the Justices of London shall also have the Power of appointing Justices to fix and determine Boundaries under the Provisions of any such Act.

Clerk of the Peace for City of London to become Clerk of the Peace for London.

104. The Person who at the Commencement of this Act shall be the Clerk of the Peace for the City of London shall be termed the Clerk of the Peace for London, and shall continue to have, fulfil, and exercise all Functions, Powers, and Authorities heretofore had, fulfilled, and exercised by the Clerk of the Peace for the City of London (except as herein provided).

105. From and after the issuing of Her Majesty's Commission of the Peace to the Justices of London, the Person then Clerk of the Peace for London shall, in addition to all Functions, Powers, and Authorities which he may have and exercise for the Time being under this Act, have, fulfil, and exercise, within the County of London, all Functions, Powers, and Authorities which at the Time of the issuing of such Commission shall be vested in the Clerks of the Peace for the Counties of Middlesex, Surrey, and Kent respectively, so far as the same Functions, Powers, and Authorities, respectively are capable of being fulfilled and exercised within the County of London, except as herein provided, and except any Functions, Powers, and Authorities which, subject to the Provisions of this Act, may become vested in any Clerk of the Peace for the City of London or for a Metropolitan Borough.

Clerk of the Peace for London to act for whole County when Justices of London appointed.

106. Provided always, That, notwithstanding anything herein contained, the several Clerks of the Peace for the respective Counties of Middlesex, Kent, and Surrey shall continue to have, fulfil, and exercise all Functions, Powers, and Authorities vested in them respectively by the County Voters Registration Act, 1865, or any other Act or Acts of Parliament relating to the Registration of County Voters, as respects any Voters or Claimants whose qualifying Property, if any, shall be situate within the County of London.

Except as to Registration of County Voters.

28 & 29 Vict. c. 36.

107. On the Occurrence of any Vacancy in the Office of Clerk of the Peace for London which may happen after the issuing of Her Majesty's Commission of the Peace to the Justices of London, the said Justices, and not the Common Council of London, shall have Power from Time to Time to elect the Clerk of the Peace for London.

Justices of London to appoint Clerk of the Peace for London.

108. Provided always, That nothing herein contained shall hinder the Appointment or Election from Time to Time of a Clerk of the Peace for the City of London or for any Metropolitan Borough to fulfil and exercise within the same the Functions, Powers, and Authorities of a Clerk of the Peace of a Municipal Borough.

As to Clerks of the Peace for City of London or Metropolitan Boroughs.

109. The Chamberlain of London shall, from and after the Issue of Her Majesty's Commission of the Peace to the Justices of London, have and exercise within the County of London, in addition to any Functions, Powers, and Authorities now exercised by him as Treasurer of the County of the City of London, all Functions, Powers, and Authorities heretofore exercised within the County of London

Chamberlain of London to be Treasurer of County of London.

London by the respective Treasurers of the Counties of Middlesex, Surrey, and Kent.

Acts of Parliament as to Justices, Clerks of the Peace, and County Treasurers, to apply.

110. Subject as herein provided, all Provisions of any Act or Acts of Parliament relating to Justices of the Peace (except as aforesaid), or any Four, Three, Two, or One of them, and capable of taking effect within the Metropolis, shall, within and so far as respects the County of London, apply to the Justices of London, or any Four, Three, Two, or One of them; and all the Provisions of any Act or Acts of Parliament relating to the Clerk of the Peace of a County, and capable of taking effect within the Metropolis, shall, within and so far as respects the County of London, apply to the Clerk of the Peace of London; and all the Provisions of any Act or Acts of Parliament relating to the Treasurer of any County, and capable of taking effect within the Metropolis, shall within and so far as respects the County of London apply to the Chamberlain of London.

PART IX.

County Rates and Transfer of County Property.

London County Rates.

111. County Rates or Rates in the Nature of County Rates may be levied within the whole of the County of London for any Purposes for which County Rates, or Rates in the Nature of County Rates may be levied in any County, and such Rates shall be termed "London County Rates."

Common Council to have Powers of County Justices as respects County Rates.

112. All Functions, Powers, and Authorities by the Act of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Eighty-one, to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in England and Wales, or by any other Act of Parliament, given to or vested in Her Majesty's Justices of the Peace of any County in General or Quarter Sessions assembled (except as respects any Appeal against a Basis or Standard of County Rate or against a Rate, and as respects the appointing of Justices to fix and determine Boundaries), shall be vested in the Common Council of London; and all Functions, Powers, and Authorities by any such Act or Acts given to or vested in a Committee of Justices appointed by the Justices in General or Quarter Sessions assembled shall be vested in a Committee of Members of the said Common Council, of the like Number as in any such Act is provided in the like Case; and, subject as herein mentioned, all Provisions relating to County Rates contained in any such Act or Acts of Parliament shall apply to London County Rates.

113. Provided always, That nothing herein contained shall be construed to give to any Member of the Common Council of London individually, or to any Two or Four of such Members, any Jurisdiction, Power, or Authority which by any Act or Acts of Parliament relating to County Rates is given to any Justice or to any Two or Four Justices.

Members of Common Council not to have Powers of County Justices individually.

114. All County Rates which at the Commencement of this Act shall have been already ordered to be paid or levied in respect of any rateable Property within the County of London, and shall not then have been actually received, shall be received or levied by the proper Officers of the respective Counties by the Justices of which the same shall have been ordered to be raised, as if this Act had not been passed, but all Monies to be received by every such Officer in respect thereof shall after Payment thereout of his Costs and Expenses be forthwith paid by him to the Chamberlain of London.

As to County Rates already ordered to be raised.

115. All Real and Personal Estates which at the Commencement of this Act shall be vested in the Clerk of the Peace for the City of London by virtue of his Office shall from thenceforth become vested in the Corporation of London for all such respective Estates or Interests and subject in all respects as the said Clerk of the Peace shall then hold the same.

Real and Personal Estate vested in Clerk of Peace for City of London to vest in Corporation of London.

116. One of Her Majesty's Principal Secretaries of State shall, by Writing under his Hand, award and determine what Real Estate and Chattels Real, Monies, Things in Action, and Personal Estate, or what Portion of the Real Estate and Chattels Real, Monies, Things in Action, and Personal Estate, which at the Commencement of this Act shall be vested in or be in the Hands of the respective Clerks of the Peace for and Treasurers of the Counties of Middlesex, Surrey, and Kent, by virtue of their respective Offices, shall be transferred or set apart for the Use of the County of London, and the same shall be transferred and set apart accordingly, as the said Secretary of State shall direct; and all such Real Estate and Chattels Real, Monies, Things in Action, and Personal Estate shall from and after the Date of such Award become vested in the Corporation of London in Fee Simple or absolutely, or for all such respective Estates or Interests as the same were held respectively by the said Clerks of the Peace and Treasurers.

Secretary of State to apportion County Realty and Personalty between London, Middlesex, &c.

117. The said Secretary of State shall award and determine what Charges and Liabilities, or what Proportion of the Charges and Liabilities (other than Mortgages of County Rates), to which any

Secretary of State to apportion County Liabilities.

Real and Personal Estate at the Commencement of this Act vested in the respective Clerks of the Peace for the respective Counties of Middlesex, Surrey, and Kent, and any Monies then in the Hands of the respective Treasurers of the said Counties, shall be subject, shall from thenceforth be charged upon, borne, and defrayed by the Corporation of London, and the same shall thereupon become exclusively charged upon and be borne and defrayed by the Corporation of London, and shall be paid from Time to Time by the said Corporation as the same shall become due respectively, and the respective Clerks of the Peace for and Treasurers of the said respective Counties of Middlesex, Surrey, and Kent, and all Real and Personal Estate vested in them respectively, and Monies in their respective Hands, shall thenceforth be absolutely discharged therefrom; and the Corporation of London shall thenceforth be absolutely discharged from all other Charges and Liabilities theretofore affecting such Real or Personal Estate which shall become vested in the said Corporation; and every Person for the Time being entitled at Law or in Equity to the Benefit of any Charge or Liability which may become exclusively charged upon or which should be borne and defrayed exclusively by the Corporation of London shall have in respect of the same the same Remedies against the said Corporation, and the Real and Personal Estates of the same, as such Person would have had against the Clerk of the Peace or Treasurer of any County, or any Real or Personal Estate or Monies vested in or in the Hands of such Clerk of the Peace or Treasurer if this Act had not been passed.

Remedies in case of Neglect to account, &c. by County Officers.

118. All Provisions of any Act or Acts of Parliament respecting the Refusal, Neglect, or Omission of a Clerk of the Peace for a County or a Treasurer of a County to account for, give up, or pay any Monies or Property in his Hands or under his Control, and the Penalties therefore, shall apply to the Refusal, Neglect, or Omission of a Clerk of the Peace or Treasurer to give up or pay any Monies or Property which under this Act may become vested in the Corporation of London, or which should be paid to any of its Officers.

Secretary of State may award Payment of Compensation for Real or Personal Estate transferred.

119. The Secretary of State may, if he thinks fit, award and determine that a Price or Compensation shall be paid by the Corporation of London for any Real or Personal Estate which at the Commencement of this Act shall be vested in the respective Clerks of the Peace for the Counties of Middlesex, Kent, and Surrey respectively, or in any other Officers of the said Counties, and shall, under the Provisions of this Act, become vested in the Corporation of London, and shall determine the Amount of such Price or Compensation, and the Person or Persons to whom and the Time and Manner in which the same, with such Interest thereon, if any, as he may think fit, shall be paid by the Corporation of London; and until full Payment of the same, with all Interest thereon, if any, the Amount of such Price or Compensation, with Interest thereon, or of the unpaid Portion thereof for the Time being, shall be a Charge upon the London County Rates; and the Clerk of the Peace or other Officer in whom the Real or Personal Estate for which such Price or Compensation shall be awarded was vested at the Commencement of this Act shall have such Remedy for the Amount of such Compensation Money and Interest against the Corporation of London, or the London County Rates, as a Mortgagee of County Rates for the like Principal Amount would have had if this Act had not been passed against the County Rates so mortgaged to him, or the Clerk of the Peace of such County.

Secretary of State may award that County Officers are to be compensated by Corporation of London.

120. The said Secretary of State may, if he thinks fit, award and determine that any Officers of the Justices of the respective Counties of Middlesex, Surrey, and Kent, heretofore employed within the County of London, whose Office may be abolished, or who may be removed from Office in consequence of this Act, or who may not be re-appointed to some Office by the Corporation of London, shall be deemed Officers entitled to Compensation out of the Funds of the Corporation of London, under the Provisions of this Act; and all the Provisions contained or referred to in this Act relating to Compensation to be paid to Officers of the Corporation of London, or of the Metropolitan Board of Works, in the like Case, shall apply to every such Officer.

Secretary of State may apportion Mortgages on County Rates.

121. The Secretary of State shall determine what Proportion of any Monies raised by the Justices of the Counties of Middlesex, Surrey, and Kent respectively on the Security of the County Rates of the said respective Counties which shall remain owing at the Commencement of this Act shall be charged upon and paid out of the London County Rates, and shall specify the Mortgages of Rates or other Securities which shall from thenceforth be charged upon the London County Rates; and every such Mortgage or Security shall thenceforth, as between the Corporation of London and the Justices of the respective Counties on the Security of the County Rates of which the same shall have been raised, or the Clerks of the Peace for the same Counties respectively, become charged exclusively on the London County Rates, in the same Manner as the same Mortgage or Security was theretofore charged on the County Rates of any of the same Counties; and the Chamberlain of London shall,   Days at least before any Payment of Interest or Principal in respect of any such Mortgage or Security shall become due, cause the Amount of such Principal or Interest to be paid to the Treasurer of the County on the County Rates of which the same was theretofore charged; and from the Time when such Mortgages and Securities shall have become exclusively charged as aforesaid on the London County Rates the said Rates shall, as between the Corporation of London and the Justices of the County on the County Rates whereof the same Mortgages were theretofore charged, or the Clerk of the Peace for the same, stand absolutely discharged from all Mortgages on the County Rates of such County, other than such as shall have become exclusively charged upon the County Rates of the County of London; and the Justices of the Peace of or the Clerk of the Peace for the County on the County Rates whereof the said Mortgages or Securities were theretofore charged shall out of the Funds or Property vested in such Clerk of the Peace, or the County Rates to be raised within such County, from Time to Time and at all Times keep the Corporation of London indemnified against all Mortgages or Securities upon the County Rates of such other County, other than such as shall become exclusively charged upon the London County Rates, and against all Actions, Suits, Payments, Losses, Damages, and Expenses in respect of the same.

Mortgagees may agree to accept Security of London County Rates.

122. Provided always, That it shall be lawful for any Mortgagee of County Rates, whose Mortgage shall become charged on the London County Rates, his Executors, Administrators, or Assigns, by Writing under his Hand, to agree with the Corporation of London that the London County Rates shall be the sole Security for his Mortgage, and from thenceforth the said Chamberlain of London shall be bound, out of the London County Rates, to pay to such Mortgagee, his Executors, Administrators, or Assigns, such Principal or Interest Monies as the Justices or the Treasurer of the County on the Rates whereof the said Mortgage was originally charged would have been bound to pay, and shall be discharged from all Obligation to make any Payment on account of the same to the Treasurer of the said County, and the Justices or the Treasurer of the County on the Rates of which the said Mortgage shall have been originally charged shall be discharged from all Obligation to pay such Principal or Interest Monies, and all Provisions of any Act or Acts of Parliament in reference to Mortgages of County Rates which would otherwise have taken effect as between such Mortgagee, his Executors, Administrators, or Assigns, and the Justices, Clerk of the Peace, or Treasurer of or for the County on the Rates whereof the said Mortgage was originally charged, shall take effect as between such Mortgagee, his Executors, Administrators,

trators, or Assigns, and the Corporation of London; and such Mortgagee, his Executors, Administrators, or Assigns, shall (unless it be otherwise agreed between him or them and the Corporation of London) have the same Remedies against the said Corporation, or against the London County Rates, as he or they would have had against the Justices or the Treasurer of the County on the Rates whereof the said Mortgage was originally charged, or the County Rates of the same, if this Act had not been passed.

Secretary of State to have Powers of Arbitrator under Common Law Procedure Acts.

123. In all Matters hereby referred to the Determination and Award of One of Her Majesty's Principal Secretaries of State, such Secretary of State shall have all Jurisdictions, Powers, and Authorities of a single Arbitrator appointed by a Judge of One of the Superior Courts of Law and Equity, under the Provisions of The Common Law Procedure Act, 1854, or of any Act or Acts amending the same.

Existing Contracts of City or County Justices to be valid.

124. All Contracts or Agreements made or entered into with or in favour of the Justices of the City of London, or the Clerk of the Peace for the said City, or with or in favour of the respective Justices, Clerks of the Peace, or other Officers for the Counties of Middlesex, Surrey, or Kent respectively, before the issuing of Her Majesty's Commission of the Peace to the Justices of London touching any Real or Personal Property which by virtue of this Act may become vested in the Corporation of London, or touching any Act or Thing to be done within the said County, shall remain as valid and effectual and be proceeded on and enforced as if this Act had not been passed; and all Monies coming to the Clerks of the Peace or Treasurers of the said Counties of Middlesex, Surrey, or Kent respectively, under any such Contract or Agreement, which would have been applicable if this Act had not been passed for the Purposes of any of the Duties or Powers hereby transferred to the Justices of London, the Corporation of London, or any of their respective Officers, shall be paid over to the Chamberlain of London, and be applicable to the like Purposes respectively; and all Monies and Liabilities which the Clerk of the Peace for the City of London, or the Clerk of the Peace or any other Officer of or for the respective Counties of Middlesex, Kent, or Surrey, would have been liable to pay or discharge under any such Contract or Agreement out of any Rates to be levied within the County of London, and all Costs, Damages, and Expenses which such Receiver, Clerk of the Peace, or other Officer respectively might, if this Act had not been passed, have legally defrayed out of any such Rate, shall be paid out of Rates to be levied under the Provisions of this Act for the like Purposes respectivly as any Rates out of which the same might have been defrayed if this Act had not been passed might in such Case have been levied for.

Actions, &c. by or on behalf of City or County Justices, &c. to continue.

125. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced or carried on before or at the Time of the issuing of Her Majesty's Commission of the Peace to the Justices of London, in favour of or against the respective Justices, Clerks of the Peace, or other Officers of or for the City of London, or the Counties of Middlesex, Surrey, or Kent respectively, touching any Real or Personal Property which by virtue of this Act may become vested in the Corporation of London, or touching any Matter or Cause arising within the County of London, shall abate or be discontinued or prejudically affected by reason of this Act, but every such Action, Suit, Prosecution, or Proceeding shall continue and take effect in favour of against the Corporation of London in the same Manner in all respects as the same would have continued and taken effect in relation to the said Justices, Clerks of the Peace, or other Officers respectively if this Act had not been passed.

Decrees, &c. made and Fines imposed to be enforced by or against Corporation of London.

126. All Decrees and Orders made, Fines, Amerciaments, and Penalties imposed and incurred respectively, previously to the issuing of Her Majesty's Commission of the Peace to the Justices of London, in any Action, Suit, or Proceeding by or on behalf of or against the Justices, Clerks of the Peace, or other Officers of or for the City of London, and Counties of Middlesex, Surrey, or Kent respectively, touching any Real or Personal Property which by virtue of this Act shall become vested in the Corporation of London, or touching any Cause or Matter arising within the County of London, which, if the same had arisen after the issuing of such Commission, would have concerned the Justices of London, or the Clerk of the Peace for London, or any Officer of the said County, shall and may be enforced, levied, recovered, and proceeded for by or on behalf of or against the Corporation of London.

As to administrative Proceedings commenced by Justices of Middlesex, &c.

127. All administrative Proceedings commenced within the County of London by the Justices of the City of London, and of the respective Counties of Middlesex, Surrey, or Kent, previously to the issuing of Her Majesty's Commission of the Peace to the Justices of London, which, if such Commission of the Peace had then been issued, would or might have been commenced by the Justices of London or the Corporation of London respectively, shall and may be continued, proceeded with, and completed by the Justices of London or the Corporation of London respectively, as the Case may be.

PART

PART X.

Byelaws, &c.

Common Council may make Byelaws for better carrying out the Act.

128. It shall be lawful for the Common Council of London from Time to Time to pass or make Acts or Byelaws for better carrying out the Provisions of this Act, such Acts or Byelaws to be passed or made by such special Majority as may be from Time to Time determined by the said Common Council, with the Advice of the Recorder of London.

Nothing in Act to diminish the Corporation's Power of remedying Defects in its Constitution.

129. Nothing herein contained shall impair or affect any Charter or Custom of the City of London whereby the Corporation of the City of London is empowered to remedy Defects in the Constitution of the same, but such Power shall from henceforth be vested in and exercised by the Common Council of London; and every Act or Byelaw in that Behalf shall be passed or made by the Common Council of London by such special Majority as may be from Time to Time determined by the said Common Council, with the Advice of the Recorder of London.

Byelaws to be certified, and laid before Parliament.

130. No Act of Common Council or Byelaw to be passed or made by such special Majority as herein mentioned, for remedying any Defects in the Constitution of the Corporation, or for better carrying out the Provisions of this Act, shall be valid unless certified by the Recorder of London in Writing under his Hand to be not inconsistent with the Provisions of this Act; and every such Act or Byelaw shall be forthwith laid before both Houses of Parliament, if then sitting, or if not then sitting then forthwith upon the re-assembling of the same; and every such Act or Byelaw so certified, and so laid before both Houses of Parliament, shall, from the Time of the same being so laid before Parliament, unless and until disallowed by either House of the same, be of the same Force and Validity as if the Provisions of the same had been inserted in this present Act: Provided always, that nothing in this Act contained shall be construed to give to the Corporation of London any Power to alter, repeal, or nullify any Provision of this present Act.

PART XI.

Miscellaneous.

Savings, &c. to accrue for Benefit of Corporation of London, &c.

131. All Savings and Provisions in any Acts of Parliament saving and providing for the Rights of the Metropolitan Board of Works, or the Justices of the Peace, Clerks of the Peace, or other

Officers of or for the City of London, and the Counties of Middlesex, Surrey, or Kent respectively, or any of them, shall, so far as the same are not inconsistent with this Act, and as the same may be applicable to the Corporation of London, the Justices of London, or any of the Officers of the Corporation, or of the Justices of London respectively, continue and have Force in favour of and with reference to the said Corporation, the Justices of London, and every such Officer or Person respectively.

Saving for Crown and Commissioners of Works.

132. Nothing in this Act contained shall abridge, alter, or affect any Right, Power, Exemption, or Remedy of the Queen's most Excellent Majesty, Her Heirs or Successors, or the Commissioners for the Time being of Her Majesty's Works and Public Buildings, in or over or in relation to the Possessions of the Crown or of the Public, or divest the said Commissioners of any Power or Property.

Saving for Metropolitan Police Commissioners.

133. Nothing in this Act contained shall interfere with the Powers given by Law to the Commissioners of Police of the Metropolis, or any Assistant Commissioners.

Parliamentary Boundaries and Electoral Franchise not to be affected.

134. Nothing in this Act contained shall affect the Boundaries of the City of London, or of the Counties of Middlesex, Surrey, or Kent, or any of them, or any Divisions of the same respectively, so far as respects the Representation of the People in the Commons House of Parliament, or the Rights of the said City and Counties, or any of them, or any Divisions of the same respectively, to return Members to serve in Parliament, or the Right of any Person to vote in the said City, or in any of the said Counties or Divisions of Counties respectively, in the Election of such Members.

Inns of Court, &c. not to be affected.

135. Nothing in this Act contained shall affect the Places mentioned in Schedule (C.) to "The Metropolis Local Management Act, 1855," except so far as they are affected by the Metropolis Local Management Acts, and by the Transfer hereby made of the Functions, Powers, and Authorities of the Metropolitan Board of Works to the Corporation of London.

Repeal of inconsistent Acts.

136. All Acts of Parliament in force in any City, Borough, County, Parish, or Place in whole or in part included within the County of London, or in any Part of such City, Borough, County, Parish, or Place which shall be so included respectively, shall, so far as the same are inconsistent with the Provisions of this Act, be repealed, as regards such City, Borough, County, or Place, or such Part thereof so included within the City of London, but no further.

137. Upon the Petition of the Corporation of London, or the Justices of London, or the Justices of the Counties of Middlesex, Surrey, or Kent respectively, the Provisions of Section Two hundred and forty-eight of "The Metropolis Local Management Act, 1855," shall apply to this Act.

Provisions of Local Acts may be varied by Order in Council.

138. If any Difference shall arise between the Corporation of London, the Justices of London, or any of their respective Officers, and the Council of any Metropolitan Borough, or the Justices, Clerks of the Peace, or other Officers of or for the respective Counties of Middlesex, Kent, or Surrey, touching the Construction of this Act, or of any other Act or Acts herein referred to, or touching the carrying out of the Provisions of the same, or touching the Fulfilment and Exercise of the Functions, Powers, or Authorities of the Corporation of London, the Council of any Metropolitan Borough, or other such Justices or Officers, or any of them, (other than such Measures as are hereby expressly referred to the Award and Determination of One of Her Majesty's Principal Secretaries of State,) such Difference shall be referred to Arbitration in manner provided by "The Companies Clauses Consolidation Act, 1865."

Differences to be referred to Arbitration.

139. This Act shall commence, save as herein otherwise provided, on the Day of *One thousand eight hundred and sixty-eight.*

Commencement of Act.

140. This Act may be cited as "The Metropolis Municipal Government Act, 1867.

Short Title.

SCHEDULE (A.)

Common Councillors to be elected for Metropolitan Boroughs.

Cities and Boroughs.	Number of Common Councillors.
City of Westminster.	
Borough of Chelsea.	5
Borough of Marylebone.	
Borough of Finsbury.	
Borough of Hackney.	
Borough of Tower Hamlets.	
Borough of Lambeth.	10
Borough of Southwark.	
Borough of Greenwich.	

Metropolitan Municipal Government.

A

BILL

For the better Municipal Government of the Metropolis.

(*Prepared and brought in by*
Mr. Mill, Mr. Thomas Hughes, and Mr. Tomline.)

Ordered, by The House of Commons, *to be Printed,*
6 *August* 1867.

[Bill 303.]

Under 7 *oz.*

A

BILL

FOR

Amending the Law with respect to the Accounts of the Receiver for the Metropolitan Police District; and for other Purposes relating to the Metropolitan Police.

WHEREAS in order properly to carry into effect the Provisions of the Act passed in the Twenty-ninth and Thirtieth Years of Her Majesty's Reign, so far as respects the Audit of the Accounts of the Receiver for the Metropolitan Police District, it is expedient that the Day in each Year to which the Accounts of Monies received and expended by the Receiver are to be made up should be the same Day as that to which the annual financial Accounts of the Receiver are made up: And whereas the large Increase which has of late Years taken place in the Amount of such Monies has considerably augmented the Duties and Responsibility of the Receiver:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The

As to the Accounts to be laid before Parliament.

1. The Amount of all Monies received and expended for the Purposes of the Act passed in the Tenth Year of King George the Fourth, Chapter Forty-four, shall be made up to the *Thirty-first Day of March* in lieu of the Thirty-first Day of December in each Year, and shall annually be laid before both Houses of Parliament within *Thirty Days* after the *Thirty-first Day of March*, if Parliament be then sitting, or within *Thirty Days* after the first Meeting of Parliament subsequent to such last-mentioned Day.

As to Salary of Receiver.

2. *The Salary to be paid to the Receiver, in accordance with the Provision in that Behalf contained in the Ninth Section of the Act passed in the Second and Third Years of Her Majesty's Reign, Chapter Seventy-one, shall be not more than Twelve hundred Pounds.*

Metropolitan Police.

A

BILL

For amending the Law with respect to the Accounts of the Receiver for the Metropolitan Police District; and for other Purposes relating to the Metropolitan Police.

(Prepared and brought in by
Mr. Secretary Gathorne Hardy, Mr. Sclater-Booth, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,*
27 *May* 1867.

[Bill 171.]

Under 1 *oz.*

Metropolitan Poor Bill.

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A

BILL

FOR

The Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief; and for other Purposes relating to Poor Relief in the Metropolis.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Metropolitan Poor Act, 1867.

Interpretation.
4 & 5 W. 4. c. 76.

2. In this Act—

The Term "the Poor Law Acts" means the Act of the Session of the Fourth and Fifth Years of King William the Fourth (Chapter Seventy-six) "for the Amendment and better Ad-

"ministration of the Laws relating to the Poor in England "and Wales," and the Acts extending or amending the same:

7 & 8 Vict. c. 101.

The Term "the Poor Law Amendment Act of 1844" means the Act of the Session of the Seventh and Eighth Years of Her Majesty's Reign (Chapter One hundred and one) "for the "further Amendment of the Laws relating to the Poor in "England."

Words in this Act have the same Meaning as in the Poor Law Acts.

Limitation of Act to Metropolis. 18 & 19 Vict. c. 120.

3. This Act extends only to Unions, Parishes, and Places which are wholly or for the greater Part thereof respectively included in the Metropolis as defined by The Metropolis Management Act, 1855; and in this Act the Term "the Metropolis" means the Metropolis as so defined.

Orders of Poor Law Board.

4. Any Order of the Poor Law Board under this Act shall not be deemed a General Order within the Operation of the Poor Law Acts, although addressed to more than One Union or Parish.

District Asylums.

Asylums to be provided.

5. Asylums to be supported and managed according to the Provisions of this Act may be provided under this Act for Reception and Relief of the Sick, Insane, or Infirm, or other Class or Classes of the Poor chargeable in Unions and Parishes in the Metropolis (and in this Act the Term "Asylum" means an Asylum provided under this Act).

Formation of Districts.

6. In order to the Provision of Asylums, the Poor Law Board may from Time to Time by Order combine into Districts, Unions or Parishes, or Unions and Parishes, in the Metropolis, as they think fit, and may from Time to Time alter any such District by Addition, Sub-division, Separation of Part or otherwise (and in this Act the Term "the District" means, in relation to each Asylum, the District for which that Asylum is for the Time being provided).

Number of Asylums.

7. For each District there shall be an Asylum or Asylums, as the Poor Law Board from Time to Time by Order direct.

Managers of Asylums.

8. For each Asylum there shall be a Body of Managers constituted as in this Act provided, which Managers and their Successors are hereby incorporated by the Name of The Managers of the   Asylum, and by that Name shall be One Body Corporate, with perpetual Succession, and a Common Seal, and with Power, subject and according to the Orders of the Poor

Law Board, to take, hold, and dispose of Lands and other Property for Purposes of the Asylum (and in this Act the Term "the Managers" means, in relation to each Asylum, the Managers thereof for the Time being).

Constitution of Managers.

9. The Managers shall (subject to the Provisions of this Act) be partly elective and partly nominated.

Election of Managers.

10. Elective Managers shall be from Time to Time elected by the Guardians of each of the several Unions and Parishes forming the District from among themselves, and from among Ratepayers therein assessed to the Poor Rate on an annual rateable Value of not less than *One hundred* Pounds.

Nomination of Managers.

11. Nominated Managers shall be from Time to Time nominated by the Poor Law Board from among Justices of the Peace for any County or Place resident in the District, and from among Ratepayers resident in the District and assessed to the Poor Rate therein on an annual rateable Value of not less than *One hundred* Pounds.

Number, Qualifications, &c. of Managers.

12. The Poor Law Board shall from Time to Time by Order prescribe the total Number of the Managers, and the Proportion of the Elective and Nominated Managers (but so that the prescribed Number of the Nominated Managers do not ever exceed *One Third* of the prescribed Number of the Elective Managers), the Number of Elective Managers to be elected for each Union or Parish in the District, the Qualifications of the Managers, their Tenure of Office, the Mode and Times of Election, and the Quorum for their Meetings.

Validity of Acts of Managers notwithstanding Vacancies.

13. Any Act or Proceeding of the Managers shall not be invalid by reason only of any Vacancy in their Body, or by reason only of any Failure to elect or nominate or any Defect or Irregularity in or about the Election or Nomination of any Person to be Manager, or by reason only of the Want of Qualification or Disqualification of any Person acting as Manager; and the Managers shall be deemed lawfully constituted, and shall act, notwithstanding any such Vacancy, Failure, Defect, Irregularity, Want of Qualification, or Disqualification.

Prohibition against Managers being concerned in Contracts.

14. The Provisions of the Poor Law Acts imposing Penalties on Guardians and their Officers if concerned for their own Profit in providing or in any Contract for the supplying of anything for the Use of Workhouses or otherwise for the Support or Maintenance of the Poor, and all Remedies for Recovery of such Penalties, shall extend and apply to the Managers and their Officers.

Building for Asylum.

15. The Poor Law Board may from Time to Time by Order direct the Managers to purchase or hire, or to build, and (in either Case) to fit up a Building or Buildings for the Asylum, of such Nature and Size, and according to such Plan, and in such Manner, as the Poor Law Board think fit, and the Managers shall carry such Directions into execution.

Power for Purchase of Land.

16. The Managers shall have for the Purposes of the Asylum the like Powers as are for the Time being vested in Guardians of Parishes or Unions in the Metropolis relative to the Purchase or Hiring of Lands or Buildings; but the Consent of any Ratepayers or Owners of Property in a Union or Parish shall not be necessary with respect to any Sale, Lease, or other Disposition of any Workhouse, Building, or Land by Guardians or Overseers to the Managers.

Power to borrow.

17. The Managers may borrow Money for purchasing Lands or Buildings, and for building, fitting up, and furnishing Buildings erected or hired for the Asylum, according to the Provisions of the Poor Law Acts under which Guardians are for the Time being empowered to borrow Money, and may charge the Poor Rates of the Unions and Parishes forming the District with the Money so borrowed, and Interest, subject and according to the following Provisions:

(1.) The Amount borrowed shall not exceed *One Third* of the aggregate annual Expenditure on the Relief of the Poor within the whole District (exclusive of Reimbursements) for the Period of *Three* Years ending on the *25th Day of March* next preceding the borrowing of the Money:

(2.) The Amount borrowed shall be charged on the Poor Rates of the several Unions and Parishes forming the District in the Proportions in which they contribute to the Maintenance of the Asylum:

(3.) The Amount borrowed shall be paid off, with Interest, by equal annual Instalments not exceeding *Twenty*.

Adaptation of existing Workhouse for Asylum.

18. The Poor Law Board may by Order direct that any Building for the Time being in use as a Workhouse be, with such Alterations as the Poor Law Board think fit, used for the Asylum, and thenceforth that Building shall be for the common Use of the District accordingly; and an annual Sum in the nature of Rent or other Compensation of such Amount as the Poor Law Board from Time to Time direct shall be paid to the Guardians of the Union or Parish to which such Building belongs, as long as the same continues to be so used.

19. If in any such Case the Managers expend any Money in the Improvement or Enlargement of the Building, or the providing of substantial Fittings therein, and afterwards relinquish the Use thereof, the Poor Law Board may, if they think fit, make an Adjustment in respect of that Expenditure between the Owners of the Building and the Managers, and direct such Amount as they think equitable to be reimbursed to the Managers by the Owners of the Building, to be paid at once or by Instalments as the Poor Law Board direct.

Reimbursement to Managers of Expenditure.

20. The Managers shall from Time to Time provide for the Asylum necessary Fixtures, Furniture, and Conveniences, and such as the Poor Law Board from Time to Time by Order direct.

Furniture, &c. for Asylum.

21. The Mode of Admission of Persons into the Asylum shall be such as the Poor Law Board from Time to Time by Order direct.

Mode of Admission into Asylum.

22. The Managers shall have the like Powers as Guardians for the Relief, Maintenance, and Management of the Inmates of the Asylum, and shall from Time to Time provide such Medicines, medical and surgical Appliances, and other Requisites for the Care and Treatment of the Inmates, and cause the same to be furnished and used according to such Rules, as the Poor Law Board from Time to Time by Order direct.

Powers and Duties of Managers in respect of Inmates.

23. The following Provisions of the Poor Law Amendment Act of 1844 shall extend to the Asylum as if it were an Asylum under that Act or a Workhouse, and as if the Managers were a District Board under that Act, that is to say,—

So much of Section Forty-three as relates to Rules of the Poor Law Board for Government of the Asylum or its Inmates, and to religious Assistance and Instruction:

Sections Fifty, Fifty-four, Fifty-seven, and Fifty-nine.

Application of Parts of Act of 1844.

24. With reference to Chargeability, Burial, and other Incidents, the Asylum shall in relation to each Inmate thereof be deemed to be in the Union or Parish from which such Inmate is sent; but Births and Deaths in the Asylum shall be registered by the Registrar in whose District the Asylum is situate.

Chargeability, &c. of Inmates.

25. The Managers shall have the like Powers as Guardians for the Appointment, Control, and Payment of paid Officers of the Asylum, and the Grant of Superannuation Allowances to them.

Appointment, &c. of paid Officers.

The Duties, Number, and Salaries of the paid Officers, and the Securities to be given by them, shall be such as the Poor Law Board from Time to Time by Order direct.

Enforcement of Orders of Managers.

26. Legal and reasonable Orders of the Managers shall be obeyed, and Obedience thereto shall be enforced, in like Manner and by and under like Remedies and Penalties as legal and reasonable Orders of Guardians.

Orders of Poor Law Board as to Managers.

27. The Managers shall, in the exercise and discharge of all their Powers and Duties, be subject to Orders of the Poor Law Board in like Manner as Guardians are under the Poor Law Acts.

Use of Asylums as Medical Schools.

28. Where the Asylum is provided for Reception and Relief of the Sick it may be used as a Medical School for Instruction of Pupils and otherwise, in such Cases and Manner and subject to such Regulations as the Poor Law Board from Time to Time by Order direct.

Representative of Commissioners in Lunacy.

29. Where the Asylum is provided for Reception and Relief of the Insane the Commissioners in Lunacy may, if they think fit, depute one of their Body or appoint from Time to Time a special Commissioner, and the Person so deputed or appointed shall be entitled to attend Meetings of the Managers and to take part in their Proceedings, but not to vote.

Expenses of providing Asylum and Salaries.

30. Expenses incurred by the Managers in or about the purchasing, hiring, building, repairing, and fitting up of Buildings for the Asylum, and any Sum in the Nature of Rent or other Compensation, payable by the Managers to Guardians, in respect of the Use for the Asylum of a Building previously used as a Workhouse, and Expenses incurred by the Managers in or about the providing of Fixtures, Furniture, Conveniences, Medicines, medical and surgical Appliances, and other Necessaries required for keeping the Asylum in proper Order for daily Use, and the Salaries and Maintenance of the Officers thereof, shall be defrayed by Contributions from the Unions and Parishes forming the District.

Charges for Maintenance, &c.

31. Expenses incurred by the Managers in or about the Food, Clothing, Maintenance, Care, Treatment, and Relief, or for the Burials, of Inmates of the Asylum shall be separately charged to the respective Unions or Parishes from which the Inmates of the Asylum are sent.

Audit of Accounts.

32. The Poor Law Board shall appoint some Person, being at the Time the Auditor of a Union or Parish in the District, to be the Auditor of the District, who shall audit the Accounts of the Managers and of their Officers; and those Accounts shall accordingly be prepared for and submitted to the Auditor at such Times and in such Manner as the Accounts of Guardians of Unions are by the Poor Law Acts required to be prepared and submitted.

33. The Auditor shall have the like Powers of allowing and disallowing Accounts, and of making Surcharges therein, as Auditors appointed under the Poor Law Acts have for the Time being; and Sums disallowed, reduced, or surcharged in the Accounts submitted to the Auditor shall be recoverable in like Manner as under the Poor Law Acts; and there shall be the like Appeal to the Court of Queen's Bench or to the Poor Law Board against an Allowance, Disallowance, or Surcharge made by the Auditor, as in case of the Audit of Union or Parish Accounts.

Powers of Auditor.

34. Within *One Month* after each Audit the Managers shall deliver, by Post or otherwise, to each Board of Guardians in the District a printed Abstract (in a Form from Time to Time prescribed by the Poor Law Board) of the Accounts as audited.

Circulation of Abstract of Accounts.

35. *The Remuneration of the Auditor shall from Time to Time be fixed by the Poor Law Board by Order, and, with his Expenses, shall be paid as the Salaries and Expenses of Auditors appointed under the Poor Law Acts are for the Time being payable.*

Remuneration of Auditor.

36. The Poor Law Board may remove an Auditor as they think fit, and on a Vacancy shall appoint a qualified Person to fill the Vacancy; and the Powers of providing temporarily for a Vacancy, and of appointing a Substitute or a Deputy, given by the Poor Law Acts in relation to Auditors thereunder, shall apply in relation to an Auditor under this Act.

Removal and new Appointment of Auditor.

Medical Out-door Relief.

37. The Poor Law Board may from Time to Time, by Order, direct the Guardians of a Union or Parish in the Metropolis to provide a Dispensary or Dispensaries for such Union or Parish, and to purchase or hire, or to build, and (in either Case) to fit up and furnish a Building or Buildings for that Purpose, of such Nature and Size, and according to such Plan, and in such Manner as the Poor Law Board think fit, or to set apart, adapt, fit up and furnish for that Purpose such Part of the Workhouse of the Union or Parish, according to such Plans, and in such Manner, as the Poor Law Board think fit, and the Guardians shall act accordingly; and, where the Poor Law Board by Order so direct, the Guardians may borrow the Amount requisite in that Behalf, in like Manner and subject to the like Conditions as in the Case of the building of a Workhouse.

Building for Dispensary.

38. There shall be a Committee of Management for the Dispensary or Dispensaries in each Union or Parish, to be called the

Dispensary Committee for the Union or Parish (and in this Act the Term "the Dispensary Committee" means, in relation to each Union Parish, the Dispensary Committee for the same for the Time being).

Election of Committee.

39. The Dispensary Committee shall be elected by the Guardians of the Union or Parish from among themselves, and from among Ratepayers of the Union or Parish assessed to the Poor Rate on an annual rateable Value of not less than *One hundred* Pounds.

Number, Qualifications, &c. of Committee.

40. The Poor Law Board shall from Time to Time prescribe with respect to each Committee the Number, Qualifications, and Tenure of Office of the Members, the Mode and Times of Election, and the Quorum for their Meetings.

Places for seeing Sick Poor, &c.

41. The Guardians of each Union or Parish providing a Dispensary shall also provide, according to the Directions of the Poor Law Board, proper Places where the Medical Officers of the Union or Parish may see such of the Sick Poor as attend there for Advice, and where Meetings of the Dispensary Committee may be held.

Appointment of Dispensers, &c.

42. The Dispensary Committee shall from Time to Time appoint and shall at all Times keep appointed proper Persons to be Dispensers of Medicine at the Dispensaries for the Union or Parish, and may from Time to Time appoint such other Officers and such Servants for the Purposes of those Dispensaries as they think fit.

The Duties, Number, and Salaries of the Dispensers, Officers, and Servants shall be such as the Poor Law Board from Time to Time by Order direct.

Provision and dispensing of Medicines, &c.

43. The Guardians of each Union or Parish providing a Dispensary shall from Time to Time, on the Requisition of the Dispensary Committee, provide proper Medicines, medical and surgical Appliances, and other Requisites for medical Care, Treatment, and Relief of the Poor of the Union or Parish relieved out of the Workhouse, and the same shall be dispensed and furnished to such of the Poor in receipt of Relief as require the same, on the Prescription or written Direction of the District Medical Officer, subject to such Regulations as the Poor Law Board from Time to Time by Order direct.

Appointment of District Medical Officers.

44. The District Medical Officers for a Union or Parish shall be from Time to Time appointed by the Dispensary Committee, subject to the Rules and Orders of the Poor Law Board respecting Appointment and Removal of Officers under the Poor Law Acts; but the District Medical Officers in Office at the Time of the Dispensary Committee entering on their Duties shall continue in Office as if this Act had not been passed, subject nevertheless to such Modifications of Arrangements respecting their Duties and Remuneration, made with them before the passing of this Act, as the Poor Law Board think fit.

Modification of Districts and Contracts with District Medical Officers.

45. For giving Effect to the Provisions of this Act relating to Medical Relief out of the Workhouse, the Poor Law Board may from Time to Time vary as they think fit Medical Districts, and Contracts with District Medical Officers, existing at the passing of this Act or at any Time thereafter.

District and Separate Schools.

Repeal of Provisions as to Charge of Expenses of Buildings, Salaries, &c. 7 & 8 Vict. c. 101. s. 47. 13 & 14 Vict. c. 11.

46. So much of Section Forty-seven of the Poor Law Amendment Act of 1844 and of the Act of the Session of the Thirteenth and Fourteenth Years of Her Majesty's Reign (Chapter Eleven), " to make better Provision for the Contributions of Unions and " Parishes in School Districts to the Common Funds of the respective Districts," as provides for Payment by Unions as therein mentioned of Expenses incurred by any District Board in the Purchase or Hire of any Building or Buildings used or to be used as a School, or in erecting, repairing, adding to, or fitting up any Building, and the Salaries of the Officers and Servants of the Establishment, is, as far as those Provisions relate to the Metropolis, hereby repealed; but this Repeal shall not affect the Mode of Payment of any such Expenses or Salaries incurred or accrued due before the passing of this Act, or the Payment of any Mortgage or other Debt incurred by any District Board in respect thereof, or the Validity or Effect of any Mortgage or Security given by any District Board for any such Debt; and all such Expenses and Salaries, and every such Debt, shall be paid and remain charged as if this Act had not been passed.

Charges for Buildings and Salaries of Officers of District Schools.

47. Expenses incurred by a District Board constituted under the Poor Law Amendment Act of 1844 for the Maintenance of a District School for a District in the Metropolis in the Purchase or Hire of Buildings for the School, and the Salaries of Officers thereof, shall, as from and after the *passing of this Act*, be defrayed by Contributions from the Unions and Parishes forming the District.

Addition of nominated Members to District Board.

48. The Poor Law Board may from Time to Time nominate to be Members of such a District Board such Persons as they think fit from among Justices of the Peace for any County or Place resident in the District of the School, and from among Ratepayers resident in that District, and assessed to the Poor Rate therein on an annual rateable Value of not less than *One hundred Pounds;* but so that the Number of Members so nominated do not ever exceed *One Third* of the full Number of the elected Members of the Board.

Lands.

Application of 5 & 6 W. 4. c. 69.

49. The Provisions of the Act of the Session of the Fifth and Sixth Years of the Reign of King William the Fourth (Chapter Sixty-nine) "to facilitate the Conveyance of Workhouses and other "Property of Parishes, and of Incorporations or Unions of Parishes "in England and Wales," relative to the Acquisition of Sites for Workhouses, and of all Acts extending or amending the same, shall apply to Lands and Buildings required to be purchased, hired, or otherwise acquired for any of the Purposes of this Act.

Incorporation of Lands Clauses Acts.

50. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860 (in this Act referred to as the Lands Clauses Acts) are hereby incorporated with this Act, and for the Purposes of this Act the Term the Promoters of the Undertaking used in those Acts shall mean Managers or Guardians desirous of purchasing Lands for Purposes of this Act; and in those Acts and this Act the Term Lands shall include any Estate, Term, Easement, Right, or Interest in, over, or affecting Lands.

Provisions as to compulsory Purchase of Land.

51. So much of the Lands Clauses Acts as relates to the Purchase of Lands otherwise than by Agreement shall not be put in force except for the Purchase of Lands for the Purpose of enlarging a Workhouse, Hospital, or School existing at the passing of this Act, and then not without a previous Order of the Poor Law Board directing such Purchase.

Notice of Application as to Lands.

52. Before the Poor Law Board make any such Order the Managers or Guardians applying to them for the same shall publish once at least in each of *Four* consecutive Weeks in a daily Morning Newspaper published in the Metropolis an Advertisement stating the Object for which the Lands are proposed to be taken, and the Quantity of Lands required, and the Place where a Plan of the Lands is open for Inspection at reasonable Hours, and shall Four Weeks before the Application to the Poor Law Board serve Notices on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, stating the Particulars thereof, and that the Managers or Guardians are willing to treat for Purchase thereof.

Contributions

Contributions of Unions and Parishes.

Basis of Contributions.

53. Sums to be contributed under this Act by Unions and Parishes shall be assessed on and contributed by them respectively in proportion to the annual rateable Value of the Property therein comprised, to be determined according to the Valuation Lists, or, where there are none, according to the latest Poor Rate for the Time being for the Union or Parish, or otherwise as the Poor Law Board from Time to Time direct.

Calls for Contributions by Managers and District Boards.

54. The Managers of an Asylum under this Act, and the District Board constituted under the Poor Law Amendment Act of 1844 for the Maintenance of a District School, shall from Time to Time call on the Guardians of the Unions and Parishes forming the District for such Contributions as the Managers or District Board consider requisite for the Purposes of the Asylum or School.

Notice of Call for Contribution.

55. Notice in Writing of the Amount of every such Contribution, purporting to be signed by the Clerk or other Officer of the Managers or District Board (in a Form from Time to Time prescribed by the Poor Law Board by Order), shall *Fourteen* Days at least before such Contribution becomes due be delivered to the Clerk or acting Clerk of the Guardians of each Union and Parish liable to the Contribution, either by Post in a Letter addressed to him at the Office of the Union or Parish or otherwise.

Remedies for Recovery of Contributions.

56. If the Contribution is not duly paid the Managers or District Board shall (in addition to any other Remedy which any Person has for the Time being against Guardians) have the like Remedy for Recovery of the Contribution, or of so much thereof as is not paid, from the Overseers or other Officers authorized to levy Poor Rates in the several Parishes (whether comprised in a Union or not) in the District, as Guardians have for the Time being for Recovery from Overseers of Contributions of Parishes; and if the Overseers of any Parish in a Union pay any Money to the Managers or District Board on account of such Contribution they shall be entitled to Credit for such Payment in the Accounts of the Union with their Parish.

Medical In-door Relief.

Determination or Variation of Contracts with Workhouse Medical Officers.

57. In order to facilitate Provision for the Appointment, where requisite, of Resident Workhouse Medical Officers, and for better Classification and Management of the Sick Poor in a separate Hospital or Building, or in an Infirmary kept distinct from the rest of the Workhouse, the Poor Law Board may, by Order, determine, or from Time to Time vary as they think fit, any Contract with any Medical or other Workhouse Officer existing at the passing of this Act, and direct the Guardians to pay to a Medical or other Officer affected thereby such Compensation by way of increased Salary, or of an Annuity, or of a gross Sum, or otherwise, as the Poor Law Board think fit.

Houseless Poor.

Repeal of Reimbursement by Metropolitan Board.
27 & 28 Vict. c. 116.

58. Sections One and Two of The Metropolitan Houseless Poor Act, 1864, shall from and after the Day of 1867 be repealed, except with respect to any Claims under that Act then outstanding, which shall be provided for as if that Act continued in force.

Metropolitan Common Poor Fund.

Establishment of Metropolitan Common Poor Fund.

59. There shall be a Fund, called The Metropolitan Common Poor Fund, raised according to the Provisions of this Act by Contributions from the several Unions, Parishes, and Places in the Metropolis (in this Act referred to as the Common Poor Fund).

Receiver of Common Fund.

60. There shall be a Receiver of the Common Poor Fund (in this Act referred to as the Receiver), who shall be from Time to Time appointed by and shall be removeable by the Poor Law Board, and shall receive such Salary and give such Security (if any) as the Poor Law Board direct.

Account at Bank of England.

61. The Governor and Company of the Bank of England shall open an Account with the Receiver, intituled The Account of the Receiver of the Metropolitan Common Poor Fund for the Time being.

Assessment of Contributions to Common Fund.

62. The Poor Law Board shall from Time to Time assess on the several Unions and Parishes in the Metropolis the Amounts of their respective Contributions to the Common Poor Fund, in proportion to the annual rateable Value of the Property therein comprised, to be determined according to the Valuation Lists, or, where there are none, according to the latest Poor Rate for the Time being for the Union or Parish, or otherwise as the Poor Law Board from Time to Time direct.

Collection of Common Fund.

63. The Poor Law Board shall from Time to Time issue to the Guardians of each Union or Parish a Precept under the Seal of the Board requiring them to pay the Amount of their Contribution therein specified, in the Manner and within the Time therein prescribed, and the Guardians shall accordingly raise the Amount of their Contribution out of the Poor Rates of the Union or Parish, and shall pay the same into the Bank of England to the Credit of the Account of the Receiver.

Collection of Contributions by Local Authority where no Poor Rate.

64. In order to obtain Payment of the Amount of the Contribution to the Common Poor Fund payable in respect of any Place where there is no Poor Rate, the Poor Law Board shall from Time to Time issue to the Masters of the Bench, Treasurer, Governors, or other Body or Persons having the chief Control or Authority there, a Precept requiring them or him to pay the Amount of Contribution therein specified, in the Manner and within the Time therein prescribed, and they or he shall pay the same accordingly.

Levying of Rate by Local Authority.

65. In every such Place the Masters of the Bench, Treasurer, Governors, or other Body or Persons, may levy on the several Persons occupying rateable Property therein the Amount of Contribution so paid by them or him by means of a Rate in the Nature of a Poor Rate, and for that Purpose may employ and remunerate Collectors, and shall have the like Powers as are for the Time being vested in Overseers for the Purposes of the making, assessing, levying, and collecting of Poor Rate.

Remedies for Recovery of Contributions.

66. If any Contribution to the Common Poor Fund required by the Poor Law Board to be paid by any Guardians, Masters of the Bench, Treasurer, Governors, or other Body or Persons, is not duly paid, the Receiver shall (in addition to any other Remedy which any Person has for the Time being against Guardians) have the like Remedy for Recovery from them or him, in the Receiver's own Name, of the Contribution, or of so much thereof as is not paid, as Guardians have for the Time being for Recovery from Overseers of Contributions of Parishes; and for that Purpose the Precept of the Poor Law Board requiring the Contribution shall be conclusive Evidence of the Amount thereof and of the Liability thereto of the Party sued.

Application of Common Fund.

67. Expenses incurred for the following Purposes after the *Twenty-ninth Day of September One thousand eight hundred and sixty-seven* shall be repaid out of the Common Poor Fund, that is to say,—

(1.) For the Maintenance of Lunatics in Asylums, registered Hospitals, and licensed Houses, and of Insane Poor in Asylums under this Act, except such Expenses as are chargeable on the County Rate:

(2.) For the Maintenance of Patients in any Asylum specially provided under this Act for Patients suffering from Fever or Smallpox:

(3.) For all Medicine and medical and surgical Appliances supplied to the Poor in receipt of Relief by Guardians under this Act or any of the Poor Law Acts:

(4.) For the Salaries of the following Officers, that is to say,—the Clerk to Guardians, and the Chaplain, Medical Officer, Relieving Officer, Master, Matron, Nurse, and Porter, of the Workhouse of a Union or Parish, and of the Dispensers and other Persons employed in Dispensaries under this Act:

(5.) For Compensation to any Medical Officer of a Workhouse affected by the Determination or Variation by the Poor Law Board of a Contract respecting medical Relief in the Workhouse:

(6.) For Fees for Registration of Births and Deaths:

(7.) For Fees for and other Expenses of Vaccination:

(8.) For Maintenance of Pauper Children in District, Separate, Certificated, and Licensed Schools:

(9.) For Relief of destitute Persons certified by the Auditor, and Provision of temporary Wards or other Places of Reception approved by the Poor Law Board, under the Metropolitan Houseless Poor Acts of 1864 and 1865.

27 & 28 Vict. c. 116.
28 & 29 Vict. c. 34.

Mode of Repayment out of Common Fund.

68. After each half-yearly Audit the Auditors shall, within such Time and in such Manner as the Poor Law Board from Time to Time direct, certify to the Poor Law Board the Amount actually expended by each Union or Parish in respect of Expenses which are to be repaid out of the Common Poor Fund; and the Poor Law Board shall, by Precept under the Seal of the Board, direct the Receiver to repay out of that Fund to the Guardians of the Unions and Parishes the several Sums so expended, and the Amount repaid shall be applied by them in aid of the Fund chargeable with the Relief of the Poor.

Receiver's Salary, &c.

69. The Salaries of the Receiver and his Assistants, and all Expenses incurred by him in the Execution of this Act, shall be paid out of the Common Poor Fund.

Drawing on Receiver's Account.

70. The Account of the Receiver at the Bank of England shall be drawn on in such Manner and according to such Regulations as the Poor Law Board from Time to Time by Order direct.

Poor

Poor Relief under Local Acts.

71. The Relief of the Poor of every Union or Parish in the Metropolis governed by a Local Act shall, from and after a Day to be stated in an Order of the Poor Law Board in relation to each Union or Parish, be, notwithstanding anything in such Local Act, administered by a Board of Guardians elected according to the Poor Law Acts, and in conformity with an Order of the Poor Law Board.

Constitution of Guardians for Parishes under Local Acts.

72. The Guardians so constituted under this Act, notwithstanding anything in any Local Act, shall have the same Powers and Authorities, and shall be subject to the same Orders, Regulations, and Restrictions, as Guardians elected under the Poor Law Acts.

Powers of new Board of Guardians.

73. The Workhouses, Goods, Effects, and Real and Personal Property belonging to a Union or Parish governed by a Local Act, and held or used for Purposes of the Relief of the Poor or of the Business of Guardians, shall by virtue of this Act be transferred to and vested in and belong to the Guardians of the Union or Parish when constituted under this Act, and shall be held and used for Purposes of such Relief and Business; and those Guardians shall pay and discharge the Debts and Liabilities lawfully incurred in and about such Relief, or otherwise due from the previous Guardians of the Union or Parish, as the same ought to have been paid and discharged by the previous Guardians if this Act had not been passed; provided that the Poor Law Board may, if they think fit, by Order, extend the Time of Payment of any such Debt for a Period not exceeding *Six Months* from the Date of the Order.

Transfer of Property to new Guardians.

74. Officers and Persons appointed or acting under any such Local Act for any Purpose of the Relief of the Poor, or otherwise in the Service of the Guardians, shall be entitled to continue in Office after the Constitution of the new Board of Guardians under this Act to the same Extent as if this Act had not been passed; and their Service before the Constitution of that Board shall be reckoned towards the Service entitling them to Superannuation Allowance.

Continuance of existing Officers.

75. Nothing in this Act shall deprive any Body constituted under a Local Act of any Power thereby vested in them of making and levying Poor Rates; and in relation to Guardians constituted under this Act every such Body shall be deemed Overseers within the Poor Law Acts as far as regards Liability to Payment of Contributions required by Guardians for Purposes of the Relief of the Poor in the Union or Parish.

Saving for rating Powers of existing Bodies.

Unions and Districts for Audit. 7 & 8 Vict. c. 101. ss. 64, 65.

76. So much of Section Sixty-four of the Poor Law Amendment Act of 1844 as prevents the Union of Parishes governed by Local Acts, without Consent of the Guardians, and Section Sixty-five of that Act, are hereby repealed as far as they relate to the Metropolis.

Boards of Guardians.

Addition of nominated Guardians.

77. The Poor Law Board may from Time to Time nominate to be Members of a Board of Guardians for a Union or Parish in the Metropolis (whether elected under the Poor Law Acts or constituted under this Act) such Persons as they think fit from among Justices of the Peace for any County or Place resident in the Union or Parish, and from among Ratepayers resident therein and assessed to the Poor Rate therein on an annual rateable Value of not less than *One hundred Pounds;* but so that the Number of Guardians so nominated do not ever exceed *One Third* of the full Number of the elected Guardians.

Officers.

Appointment of Officers on Failure of Managers, &c.

78. In case at any Time any Managers of an Asylum or Dispensary Committee under this Act, or any Board of Guardians of a Union or Parish in the Metropolis, fail, for *Fourteen Days* after Receipt of a Requisition of the Poor Law Board in this Behalf, to appoint (either originally or on a Vacancy) any Officer whom they are by Law required or authorized to appoint, then at any Time after the Expiration of that Period of *Fourteen Days* the Poor Law Board may, if they think fit, by Order, appoint a fit Person to be such Officer; and the Person so appointed shall have and perform all the same Powers, Rights, Privileges, and Duties as if the Appointment had been duly made by the Managers, Committee, or Guardians, as the Case may be.

Metropolitan Poor.

A

BILL

For the Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief; and for other Purposes relating to Poor Relief in the Metropolis.

(*Prepared and brought in by Mr. Hardy and Mr. Earle.*)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1867.

[Bill 9.]

Under 3 *oz.*

Metropolitan Poor Bill.

[AS AMENDED IN COMMITTEE.]

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A

BILL

[AS AMENDED IN COMMITTEE]

FOR

The Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief; and for other Purposes relating to Poor Relief in the Metropolis.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Metropolitan Poor Act, 1867. Short Title.

2. In this Act— Interpretation.

The Term "the Poor Law Acts" means the Act of the Session of the Fourth and Fifth Years of King William the Fourth (Chapter Seventy-six) "for the Amendment and better Ad- 4 & 5 W. 4. c. 76.

" ministration of the Laws relating to the Poor in England " and Wales," and the Acts extending or amending the same :

7 & 8 Vict. c. 101.

The Term " the Poor Law Amendment Act of 1844 " means the Act of the Session of the Seventh and Eighth Years of Her Majesty's Reign (Chapter One hundred and one) " for the " further Amendment of the Laws relating to the Poor in " England."

Words in this Act have the same Meaning as in the Poor Law Acts.

Limitation of Act to Metropolis. 18 & 19 Vict. c. 120.

3. This Act extends only to Unions and Parishes not in Union which are wholly or for the greater Part thereof respectively included in the Metropolis as defined by The Metropolis Management Act, 1855; and in this Act the Term " the Metropolis " means the Metropolis as so defined.

Orders of Poor Law Board.

4. Any Order of the Poor Law Board under this Act shall not be deemed a General Order within the Operation of the Poor Law Acts, although addressed to more than One Union or Parish.

District Asylums.

Asylums to be provided.

5. Asylums to be supported and managed according to the Provisions of this Act may be provided under this Act for Reception and Relief of the Sick, Insane, or Infirm, or other Class or Classes of the Poor chargeable in Unions and Parishes in the Metropolis (and in this Act the Term " Asylum " means an Asylum provided under this Act).

Formation of Districts.

6. In order to the Provision of Asylums, the Poor Law Board may from Time to Time by Order combine into Districts, Unions or Parishes, or Unions and Parishes, in the Metropolis, as they think fit, and may from Time to Time alter any such District by Addition, Sub-division, Separation of Part or otherwise (and in this Act the Term " the District " means, in relation to each Asylum, the District for which that Asylum is for the Time being provided).

Number of Asylums.

7. For each District there shall be an Asylum or Asylums, as the Poor Law Board from Time to Time by Order direct.

Managers of Asylums.

8. For the Asylum or Asylums of each District there shall be a Body of Managers constituted as in this Act provided, which Managers and their Successors are hereby incorporated by the Name of The Managers of the   Asylum District, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power, subject and according to the Orders of the Poor Law Board, to take, hold, and dispose of Lands and other Property for Purposes of the Asylum District (and in this Act the Term "the Managers" means, in relation to each Asylum, the Managers thereof for the Time being).

Constitution of Managers.

9. The Managers shall (subject to the Provisions of this Act) be partly elective and partly nominated.

Election of Managers.

10. Elective Managers shall be from Time to Time elected by the Guardians of each of the several Unions and Parishes forming the District from among themselves, or from among Ratepayers therein assessed to the Poor Rate on an annual rateable Value of not less than One hundred Pounds, or partly from one and partly from the other.

Nomination of Managers.

11. Nominated Managers shall be from Time to Time nominated by the Poor Law Board from among Justices of the Peace for any County or Place resident in the District, or from among Ratepayers resident in the District and assessed to the Poor Rate therein on an annual rateable Value of not less than Forty Pounds, or partly from one and partly from the other.

Number, Qualifications, &c. of Managers.

12. The Poor Law Board shall from Time to Time by Order prescribe the total Number of the Managers, and the Proportion of the Elective and Nominated Managers (but so that the prescribed Number of the Nominated Managers do not ever exceed One Third of the prescribed Number of the Elective Managers), the Number of Elective Managers to be elected for each Union or Parish in the District, the Qualifications of the Managers, their Tenure of Office, the Mode and Times of Election, and the Quorum for their Meetings.

Validity of Acts of Managers notwithstanding Vacancies.

13. Any Act or Proceeding of the Managers shall not be invalid by reason only of any Vacancy in their Body, or by reason only of any Failure to elect or nominate or any Defect or Irregularity in or about the Election or Nomination of any Person to be Manager, or by reason only of the Want of Qualification or Disqualification of any Person acting as Manager; and the Managers shall be deemed lawfully constituted, and shall act, notwithstanding any such Vacancy, Failure, Defect, Irregularity, Want of Qualification, or Disqualification.

Prohibition against Managers being concerned in Contracts.

14. The Provisions of the Poor Law Acts imposing Penalties on Guardians and their Officers if concerned for their own Profit in providing or in any Contract for the supplying of anything for the Use of Workhouses or otherwise for the Support or Maintenance of the Poor, and all Remedies for Recovery of such Penalties, shall extend and apply to the Managers and their Officers.

Building for Asylum.

15. The Poor Law Board may from Time to Time by Order direct the Managers to purchase or hire, or to build, and (in either Case) to fit up a Building or Buildings for the Asylum, of such Nature and Size, and according to such Plan, and in such Manner, as the Poor Law Board think fit, and the Managers shall carry such Directions into execution.

Power for Purchase of Land.

16. The Managers shall have for the Purposes of the Asylum the like Powers as are for the Time being vested in Guardians of Unions or Parishes in the Metropolis relative to the Purchase or Hiring of Lands or Buildings; but the Consent of any Ratepayers or Owners of Property in a Union or Parish shall not be necessary with respect to any Sale, Lease, or other Disposition of any Workhouse, Building, or Land by Guardians or Overseers to the Managers.

Power to borrow.

17. The Managers may borrow Money for purchasing Lands or Buildings, and for building, fitting up, and furnishing Buildings erected or hired for the Asylum, according to the Provisions of the Poor Law Acts under which Guardians are for the Time being empowered to borrow Money, and may charge the Poor Rates of the Unions and Parishes forming the District with the Money so borrowed, and Interest, subject and according to the following Provisions:

(1.) The Amount borrowed shall not exceed One Third of the aggregate annual Expenditure on the Relief of the Poor within the whole District (exclusive of Reimbursements) for the Period of Three Years ending on the Twenty-fifth Day of March next preceding the borrowing of the Money:

(2.) The Amount borrowed shall be charged on the Poor Rates of the several Unions and Parishes forming the District in the Proportions in which they contribute to the Maintenance of the Asylum:

(3.) The Amount borrowed shall be paid off, with Interest, by equal annual Instalments not exceeding Twenty.

Adaptation of existing Workhouse for Asylum.

18. The Poor Law Board may by Order direct that any Building for the Time being in use as a Workhouse be, with such Alterations as the Poor Law Board think fit, used for the Asylum, and thenceforth that Building shall be for the common Use of the District accordingly; and an annual Sum in the nature of Rent or other Compensation of such Amount as the Poor Law Board from Time to Time direct shall be paid to the Guardians of the Union or Parish to which such Building belongs, as long as the same continues to be so used.

19. If in any such Case the Managers expend any Money in the Improvement or Enlargement of the Building, or the providing of substantial Fittings therein, and afterwards relinquish the Use thereof, the Poor Law Board may, if they think fit, make an Adjustment in respect of that Expenditure between the Owners of the Building and the Managers, and direct such Amount as they think equitable to be reimbursed to the Managers by the Owners of the Building, to be paid at once or by Instalments as the Poor Law Board direct.

Reimbursement to Managers of Expenditure.

20. The Managers shall from Time to Time provide for the Asylum necessary Fixtures, Furniture, and Conveniences, and such as the Poor Law Board from Time to Time by Order direct.

Furniture, &c. for Asylum.

21. The Mode of Admission of Persons into the Asylum shall be such as the Poor Law Board from Time to Time by Order direct.

Mode of Admission into Asylum.

22. The Managers shall have the like Powers as Guardians for the Relief, Maintenance, and Management of the Inmates of the Asylum, and shall from Time to Time provide such Medicines, Appliances, and Requisites for the Medical and Surgical Care and Treatment of the Inmates, and cause the same to be furnished and used according to such Rules, as the Poor Law Board from Time to Time by Order direct.

Powers and Duties of Managers in respect of Inmates.

23. The following Provisions of the Poor Law Amendment Act of 1844 shall extend to the Asylum as if it were an Asylum under that Act or a Workhouse, and as if the Managers were a District Board under that Act, that is to say,—

So much of Section Forty-three as relates to Rules of the Poor Law Board for Government of the Asylum or its Inmates, and to religious Assistance and Instruction:

Sections Fifty, Fifty-four, Fifty-seven, and Fifty-nine.

Application of Parts of Act of 1844.

24. With reference to Chargeability, Burial, and other Incidents, the Asylum shall in relation to each Inmate thereof be deemed to be in the Union or Parish from which such Inmate is sent; but Births and Deaths in the Asylum shall be registered by the Registrar in whose District the Asylum is situate.

Chargeability, &c. of Inmates.

25. The Managers shall have the like Powers as Guardians for the Appointment, Control, and Payment of paid Officers of the Asylum, and the Grant of Superannuation Allowances to them.

The Duties, Number, and Salaries of the paid Officers, and the Securities to be given by them, shall be such as the Poor Law Board may from Time to Time approve or by Order direct.

Appointment, &c. of paid Officers.

Enforcement of Orders of Managers.

26. Legal and reasonable Orders of the Managers shall be obeyed, and Obedience thereto shall be enforced, in like Manner and by and under like Remedies and Penalties as legal and reasonable Orders of Guardians.

CLAUSE A. Committees of Managers.

27. The Managers may from Time to Time, subject and according to such Regulations as the Poor Law Board from Time to Time by Order prescribe, appoint Committees of Members of their Body, and delegate to them any of the Powers of the Managers.

Orders of Poor Law Board as to Managers.

28. The Managers shall, in the Exercise and Discharge of all their Powers and Duties, be subject to Orders of the Poor Law Board in like Manner as Guardians are under the Poor Law Acts.

Use of Asylums as Medical Schools.

29. Where the Asylum is provided for Reception and Relief of the Sick or Insane it may be used for Purposes of Medical Instruction in such Cases and Manner and subject to such Regulations as the Poor Law Board from Time to Time by Order direct.

Representative of Commissioners in Lunacy.

30. Where the Asylum is provided for Reception and Relief of the Insane the Commissioners in Lunacy may, if they think fit, depute one of their Body or appoint from Time to Time a special Commissioner, and the Person so deputed or appointed shall be entitled to attend Meetings of the Managers and to take part in their Proceedings, but not to vote; and every such Asylum shall be considered as a Workhouse within the Meaning of the Lunacy Acts as defined by the Twenty-fifth and Twenty-sixth Victoria, Chapter One hundred and eleven.

Expenses of providing Asylum and Salaries.

31. Expenses incurred by the Managers in or about the purchasing, hiring, building, repairing, and fitting up of Buildings for the Asylum, and any Sum in the Nature of Rent or other Compensation, payable by the Managers to Guardians, in respect of the Use for the Asylum of a Building previously used as a Workhouse, and Expenses incurred by the Managers in or about the providing of Fixtures, Furniture, Conveniences, Medicines, medical and surgical Appliances, and other Necessaries required for keeping the Asylum in proper Order for daily Use, and the Salaries and Maintenance of the Officers thereof, shall be defrayed by Contributions from the Unions and Parishes forming the District.

Charges for Maintenance, &c.

32. Expenses incurred by the Managers in or about the Food, Clothing, Maintenance, Care, Treatment, and Relief, or for the Burials, of Inmates of the Asylum shall be separately charged to the respective Unions or Parishes from which the Inmates of the Asylum are sent.

33. The Poor Law Board shall appoint some Person, being at the Time the Auditor of a Union or Parish in the District, to be the Auditor of the District, who shall audit the Accounts of the Managers and of their Officers; and those Accounts shall accordingly be prepared for and submitted to the Auditor at such Times and in such Manner as the Accounts of Guardians of Unions are by the Poor Law Acts required to be prepared and submitted.

Audit of Accounts.

34. The Auditor shall have the like Powers of allowing and disallowing Accounts, and of making Surcharges therein, as Auditors appointed under the Poor Law Acts have for the Time being; and Sums disallowed, reduced, or surcharged in the Accounts submitted to the Auditor shall be recoverable in like Manner as under the Poor Law Acts; and there shall be the like Appeal to the Court of Queen's Bench or to the Poor Law Board against an Allowance, Disallowance, or Surcharge made by the Auditor, as in case of the Audit of Union or Parish Accounts.

Powers of Auditor.

35. Within One Month after each Audit the Managers shall deliver, by Post or otherwise, to each Board of Guardians in the District a printed Abstract (in a Form from Time to Time prescribed by the Poor Law Board) of the Accounts as audited.

Circulation of Abstract of Accounts.

36. The Remuneration of the Auditor shall from Time to Time be fixed by the Poor Law Board by Order, and, with his Expenses, shall be paid as the Salaries and Expenses of Auditors appointed under the Poor Law Acts are for the Time being payable.

Remuneration of Auditor.

37. The Poor Law Board may remove an Auditor as they think fit, and on a Vacancy shall appoint a qualified Person to fill the Vacancy; and the Powers of providing temporarily for a Vacancy, and of appointing a Substitute or a Deputy, given by the Poor Law Acts in relation to Auditors thereunder, shall apply in relation to an Auditor under this Act.

Removal and new Appointment of Auditor.

Medical Out-door Relief.

38. The Poor Law Board may from Time to Time, by Order, direct the Guardians of a Union or Parish in the Metropolis to provide a Dispensary or Dispensaries for such Union or Parish, and to purchase or hire, or to build, and (in either Case) to fit up and furnish a Building or Buildings for that Purpose, of such Nature and Size, and according to such Plan, and in such Manner as the Poor Law Board think fit, or to set apart, adapt, fit up and furnish for that Purpose such Part of the Workhouse of the Union or Parish, according to such Plans, and in such Manner, as the Poor Law

Building for Dispensary.

Law Board think fit, and the Guardians shall act accordingly; and, where the Poor Law Board by Order so direct, the Guardians may borrow the Amount requisite in that Behalf, in like Manner and subject to the like Conditions as in the Case of the building of a Workhouse.

Dispensary Committee.

39. There shall be a Committee of Management for the Dispensary or Dispensaries in each Union or Parish, to be called the Dispensary Committee for the Union or Parish (and in this Act the Term "the Dispensary Committee" means, in relation to each Union Parish, the Dispensary Committee for the same for the Time being).

Election of Committee.

40. The Dispensary Committee shall be elected by the Guardians of the Union or Parish from among themselves, or from among Ratepayers of the Union or Parish assessed to the Poor Rate on an annual rateable Value of not less than Forty Pounds, or partly from one and partly from the other.

Number, Qualifications, &c. of Committee.

41. The Poor Law Board shall from Time to Time prescribe with respect to each Committee the Number, Qualifications, and Tenure of Office of the Members, the Mode and Times of Election, and the Quorum for their Meetings.

Places for seeing Sick Poor, &c.

42. The Guardians of each Union or Parish providing a Dispensary shall also provide, according to the Directions of the Poor Law Board, proper Places where the Medical Officers of the Union or Parish may see such of the Sick Poor as attend there for Advice, and where Meetings of the Dispensary Committee may be held.

Appointment of Dispensers, &c.

43. The Dispensary Committee shall from Time to Time appoint and shall at all Times keep appointed proper Persons to be Dispensers of Medicine at the Dispensaries for the Union or Parish, and may from Time to Time appoint such other Officers and such Servants for the Purposes of those Dispensaries as they think fit.

The Duties, Number, and Salaries of the Dispensers, Officers, and Servants shall be such as the Poor Law Board may from Time to Time approve or by Order direct.

Provision and dispensing of Medicines, &c.

44. The Guardians of each Union or Parish providing a Dispensary shall from Time to Time, on the Requisition of the Dispensary Committee, provide proper Medicines and Appliances and Requisites for the Care and Surgical Treatment of the Sick Poor of the Union or Parish relieved out of the Workhouse, and the same shall be dispensed and furnished to such of the Poor in receipt of Relief as require the same, on the Prescription or written Direction of the District Medical Officer, subject to such Regulations as the Poor Law Board from Time to Time by Order direct.

45. The District Medical Officers for a Union or Parish shall be from Time to Time appointed by the Dispensary Committee, subject to the Rules and Orders of the Poor Law Board respecting Appointment and Removal of Officers under the Poor Law Acts; but the District Medical Officers in Office at the Time of the Dispensary Committee entering on their Duties shall continue in Office as if this Act had not been passed, subject nevertheless to such Modifications of Arrangements respecting their Duties and Remuneration, made with them before the passing of this Act, as the Poor Law Board think fit.

Appointment of District Medical Officers.

46. For giving Effect to the Provisions of this Act relating to Medical Relief out of the Workhouse, the Poor Law Board may from Time to Time vary as they think fit Medical Districts, Salaries, and Contracts with District Medical Officers, existing at the passing of this Act or at any Time thereafter.

Modification of Districts, Salaries, and Contracts with District Medical Officers.

District and Separate Schools.

47. So much of Section Forty-seven of the Poor Law Amendment Act of 1844 and of the Act of the Session of the Thirteenth and Fourteenth Years of Her Majesty's Reign (Chapter Eleven), "to make better Provision for the Contributions of Unions and "Parishes in School Districts to the Common Funds of the respective Districts," as provides for Payment by Unions as therein mentioned of Expenses incurred by any District Board in the Purchase or Hire of any Building or Buildings used or to be used as a School, or in erecting, repairing, adding to, or fitting up any Building, and the Salaries of the Officers and Servants of the Establishment, shall, from the Twenty-ninth Day of September next, as far as those Provisions relate to the Metropolis, be repealed; but this Repeal shall not affect the Mode of Payment of any such Expenses or Salaries incurred or accrued due up to that Day inclusive, or the Payment of any Mortgage or other Debt incurred by any District Board in respect thereof, or the Validity or Effect of any Mortgage or Security given by any District Board for any such Debt; and all such Expenses and Salaries, and every such Debt, shall be paid and remain charged as if this Act had not been passed.

Repeal of Provisions as to Charge of Expenses of Buildings, Salaries, &c.
7 & 8 Vict. c. 101. s. 47.
13 & 14 Vict. c. 11.

48. Expenses incurred by a District Board constituted under the Poor Law Amendment Act of 1844 for the Maintenance of a District School for a District in the Metropolis in the Purchase or Hire of Buildings for the School, and the Salaries of Officers thereof, shall, from the said Twenty-ninth Day of September next, be defrayed by Contributions from the Unions and Parishes forming the District.

Charges for Buildings and Salaries of Officers of District Schools.

Addition of nominated Members to District Board.

49. The Poor Law Board may from Time to Time nominate to be Members of such a District Board such Persons as they think fit from among Justices of the Peace for any County or Place resident in the District of the School, or from among Ratepayers resident in that District, and assessed to the Poor Rate therein on an annual rateable Value of not less than Forty Pounds, or partly from one and partly from the other, but so that the Number of Members so nominated do not ever exceed One Third of the full Number of the elected Members of the Board.

Workhouses for Classes of Poor.

CLAUSE B. Reception in Workhouses of Poor belonging to other Unions or Parishes.

50. Where, in the Opinion of the Poor Law Board, the Workhouse of a Union or Parish in the Metropolis is adapted only for the Reception of poor Persons of a particular Class or particular Classes, but is capable of accommodating poor Persons of that Class or those Classes from any other Union or Parish within the Metropolis, the Poor Law Board may by Order direct the Guardians of the Union or Parish to which the Workhouse belongs to receive, lodge, and maintain therein poor Persons of that Class or those Classes, or any of them, and the Guardians shall receive, lodge, and maintain such poor Persons accordingly on Terms to be agreed on, with the Approval of the Poor Law Board, by the respective Boards of Guardians of the Unions or Parishes concerned, or, in default of such Agreement, to be prescribed by the Poor Law Board by Order; and in every such Case the following Provisions shall have effect:

(1.) Every poor Person so received into the Workhouse shall, while therein, be treated in all respects in like Manner, and be subject to the same or the like Regulations and Liabilities, as the other poor Persons therein, and shall be chargeable in the first instance to the Union or to the Parish in the Workhouse whereof he is received:

(2.) The abiding of any such poor Person in such Workhouse shall in all other respects be attended with the same legal Consequences as if the Workhouse were situate within the Union or Parish from which he is sent:

(3.) Every Guardian of the Union or Parish from which such poor Person is sent may at all reasonable Times enter the Workhouse and inspect any Part thereof.

Lands.

Application of 5 & 6 W. 4. c. 69.

51. The Provisions of the Act of the Session of the Fifth and Sixth Years of the Reign of King William the Fourth (Chapter Sixty-nine) "to facilitate the Conveyance of Workhouses and other

" Property of Parishes, and of Incorporations or Unions of Parishes, " in England and Wales," relative to the Acquisition of Sites or Buildings for Workhouses, and of all Acts extending or amending the same, shall apply to Lands and Buildings required to be purchased, hired, or otherwise acquired for any of the Purposes of this Act, and shall have Effect as if Managers under this Act were Guardians, and as if an Asylum or Dispensary were a Workhouse.

Incorporation of Lands Clauses Acts.

52. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860 (in this Act referred to as the Lands Clauses Acts) are hereby incorporated with this Act, and for the Purposes of this Act the Term the Promoters of the Undertaking used in those Acts shall mean Managers or Guardians desirous of purchasing Lands for Purposes of this Act; and in those Acts and this Act the Term Lands shall include any Estate, Term, Easement, Right, or Interest in, over, or affecting Lands.

Provisions as to compulsory Purchase of Land.

53. So much of the Lands Clauses Acts as relates to the Purchase of Lands otherwise than by Agreement shall not be put in force except for the Purchase of Lands for the Purpose of enlarging a Workhouse, Hospital, or School existing at the passing of this Act, and then not without a previous Order of the Poor Law Board directing such Purchase.

Notice of Application as to Lands.

54. Before the Poor Law Board make any such Order the Managers or Guardians applying to them for the same shall publish once at least in each of Four consecutive Weeks in a daily Morning Newspaper published in the Metropolis an Advertisement stating the Object for which the Lands are proposed to be taken, and the Quantity of Lands required, and the Place where a Plan of the Lands is open for Inspection at reasonable Hours, and shall Four Weeks before the Application to the Poor Law Board serve Notices on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, stating the Particulars thereof, and that the Managers or Guardians are willing to treat for Purchase thereof.

Contributions of Unions and Parishes.

Basis of Contributions.

55. Sums to be contributed under this Act by Unions and Parishes shall be assessed on and contributed by them respectively in proportion to the annual rateable Value of the Property therein comprised, to be determined according to the Valuation Lists, or, where there are none, according to the latest Poor Rate for the Time being for the Union or Parish, or otherwise as the Poor Law Board from Time to Time direct.

Calls for Contributions by Managers and District Boards.

56. The Managers of an Asylum under this Act, and the District Board constituted under the Poor Law Amendment Act of 1844 for the Maintenance of a District School, shall from Time to Time call on the Guardians of the Unions and Parishes forming the District for such Contributions as the Managers or District Board consider requisite for the Purposes of the Asylum or School.

Notice of Call for Contribution.

57. Notice in Writing of the Amount of every such Contribution, purporting to be signed by the Clerk or other Officer of the Managers or District Board (in a Form from Time to Time prescribed by the Poor Law Board by Order), shall Fourteen Days at least before such Contribution becomes due be delivered to the Clerk or acting Clerk of the Guardians of each Union and Parish liable to the Contribution, either by Post in a Letter addressed to him at the Office of the Union or Parish or otherwise.

Remedies for Recovery of Contributions.

58. If the Contribution is not duly paid the Managers or District Board shall (in addition to any other Remedy which any Person has for the Time being against Guardians) have the like Remedy for Recovery of the Contribution, or of so much thereof as is not paid, from the Overseers or other Officers authorized to levy Poor Rates in the several Parishes (whether comprised in a Union or not) in the District, as Guardians have for the Time being for Recovery from Overseers of Contributions of Parishes; and if the Overseers of any Parish in a Union pay any Money to the Managers or District Board on account of such Contribution they shall be entitled to Credit for such Payment in the Accounts of the Union with their Parish.

Medical In-door Relief.

Determination or Variation of Contracts with Workhouse Medical Officers.

59. In order to facilitate Provision for the Appointment, where requisite, of Resident Workhouse Medical Officers, and for better Classification and Management of the Sick Poor in a separate Hospital or Building, or in an Infirmary kept distinct from the rest of the Workhouse, the Poor Law Board may, by Order, determine, or from Time to Time vary as they think fit, any Contract with any Medical or other Workhouse Officer existing at the passing of this Act, and direct the Guardians to pay to a Medical or other Officer affected thereby such Compensation by way of increased Salary, or of an Annuity, or of a gross Sum, or otherwise, as the Poor Law Board think fit.

Houseless Poor.

Repeal of Reimbursement by

60. Sections One and Two of The Metropolitan Houseless Poor Act, 1864, shall from and after the Twenty-ninth Day of September

One thousand eight hundred and sixty-seven be repealed, except with respect to any Claims under that Act then outstanding, which shall be provided for as if that Act continued wholly in force.

Metropolitan Board. 27 & 28 Vict. c. 116.

Metropolitan Common Poor Fund.

Establishment of Metropolitan Common Poor Fund.

61. There shall be a Fund, called The Metropolitan Common Poor Fund, raised according to the Provisions of this Act by Contributions from the several Unions, Parishes, and Places in the Metropolis (in this Act referred to as the Common Poor Fund).

Receiver of Common Fund.

62. There shall be a Receiver of the Common Poor Fund (in this Act referred to as the Receiver), who shall be from Time to Time appointed by and shall be removeable by the Poor Law Board, and shall receive such Salary and give such Security (if any) as the Poor Law Board direct.

Account at Bank of England.

63. The Governor and Company of the Bank of England shall open an Account with the Receiver, intituled The Account of the Receiver of the Metropolitan Common Poor Fund for the Time being.

Assessment of Contributions to Common Fund.

64. The Poor Law Board shall from Time to Time assess on the several Unions and Parishes in the Metropolis the Amounts of their respective Contributions to the Common Poor Fund, in proportion to the annual rateable Value of the Property therein comprised, to be determined according to the Valuation Lists, or, where there are none, according to the latest Poor Rate for the Time being for the Union or Parish, or otherwise as the Poor Law Board from Time to Time direct.

Collection of Common Fund.

65. The Poor Law Board shall from Time to Time issue to the Guardians of each Union or Parish a Precept under the Seal of the Board requiring them to pay the Amount of their Contribution therein specified, in the Manner and within the Time therein prescribed, and the Guardians shall accordingly raise the Amount of their Contribution out of the Poor Rates of the Union or Parish, and shall pay the same into the Bank of England to the Credit of the Account of the Receiver; and no such Precept shall be liable to be removed into any Court of Law by Certiorari or otherwise, nor shall any Order of the Guardians, or any Rate made after the passing of this Act, be liable to question in any such Court on the Ground of its having been made wholly or partly in furtherance of any such Precept.

Collection of Contributions by Local Authority

66. In order to obtain Payment of the Amount of the Contribution to the Common Poor Fund payable in respect of any Place where no Poor Rate.

Place where there is no Poor Rate, the Poor Law Board shall from Time to Time issue to the Masters of the Bench, Treasurer, Governors, or other Body or Persons having the chief Control or Authority there, a Precept requiring them or him to pay the Amount of Contribution therein specified, in the Manner and within the Time therein prescribed, and they or he shall pay the same accordingly.

Levying of Rate by Local Authority.

67. In every such Place the Masters of the Bench, Treasurer, Governors, or other Body or Persons, may levy on the several Persons occupying rateable Property therein the Amount of Contribution so paid by them or him by means of a Rate in the Nature of a Poor Rate, and for that Purpose may employ and remunerate Collectors, and shall have the like Powers as are for the Time being vested in Overseers for the Purposes of the making, assessing, levying, and collecting of Poor Rate.

Remedies for Recovery of Contributions.

68. If any Contribution to the Common Poor Fund required by the Poor Law Board to be paid by any Guardians, Masters of the Bench, Treasurer, Governors, or other Body or Persons, is not duly paid, the Receiver shall (in addition to any other Remedy which any Person has for the Time being against Guardians) have the like Remedy for Recovery from them or him, in the Receiver's own Name, of the Contribution, or of so much thereof as is not paid, as Guardians have for the Time being for Recovery from Overseers of Contributions of Parishes; and for that Purpose the Precept of the Poor Law Board requiring the Contribution shall be conclusive Evidence of the Amount thereof and of the Liability thereto of the Party sued.

Application of Common Fund.

69. Expenses incurred for the following Purposes after the Twenty-ninth Day of September One thousand eight hundred and sixty-seven shall be repaid out of the Common Poor Fund, that is to say,—

(1.) For the Maintenance of Lunatics in Asylums, registered Hospitals, and licensed Houses, and of Insane Poor in Asylums under this Act, except such Expenses as are chargeable on the County Rate:

(2.) For the Maintenance of Patients in any Asylum specially provided under this Act for Patients suffering from Fever or Smallpox:

(3.) For all Medicine and medical and surgical Appliances supplied to the Poor in receipt of Relief by Guardians under this Act or any of the Poor Law Acts:

(4.) For the Salaries of all Officers employed by the Guardians in and about the Relief of the Poor by the Managers of District Schools under "The Poor Law Amendment Act, 1844," and by the Managers of Asylums under this Act, and also the Salaries of the Dispensers and other Persons employed in Dispensaries under this Act, provided the Appointments of the Officers have been sanctioned by the Poor Law Board:

(5.) For Compensation to any Medical Officer of a Workhouse affected by the Determination or Variation by the Poor Law Board of a Contract respecting medical Relief in the Workhouse:

(6.) For Fees for Registration of Births and Deaths:

(7.) For Fees for and other Expenses of Vaccination:

(8.) For Maintenance of Pauper Children in District, Separate, Certificated, and Licensed Schools:

(9.) For Relief of destitute Persons certified by the Auditor, and Provision of temporary Wards or other Places of Reception approved by the Poor Law Board, under the Metropolitan Houseless Poor Acts of 1864 and 1865.

27 & 28 Vict. c. 116.
28 & 29 Vict. c. 34.

Mode of Repayment out of Common Fund.

70. After each half-yearly Audit the Auditors shall, within such Time and in such Manner as the Poor Law Board from Time to Time direct, certify to the Poor Law Board the Amount actually expended by each Union or Parish in respect of Expenses which are to be repaid out of the Common Poor Fund; and the Poor Law Board shall, by Precept under the Seal of the Board, direct the Receiver to repay out of that Fund to the Guardians of the Unions and Parishes the several Sums so expended, and the Amount repaid shall be applied by them in aid of the Fund chargeable with the Relief of the Poor.

Receiver's Salary, &c.

71. The Salaries of the Receiver and his Assistants, and all Expenses incurred by him in the Execution of this Act, shall be paid out of the Common Poor Fund.

Drawing on Receiver's Account.

72. The Account of the Receiver at the Bank of England shall be drawn on in such Manner and according to such Regulations as the Poor Law Board from Time to Time by Order direct.

Poor Relief under Local Acts.

Constitution of Guardians for Parishes under Local Acts.

73. The Relief of the Poor of every Union or Parish in the Metropolis governed by a Local Act shall, from and after a Day to be stated in an Order of the Poor Law Board in relation to each Union or Parish, be, notwithstanding anything in such Local Act, administered by a Board of Guardians elected according to the Poor Law Acts, and in conformity with an Order of the Poor Law Board.

Powers of new Board of Guardians.

74. The Guardians so constituted under this Act, notwithstanding anything in any Local Act, shall have the same Powers and Authorities, and shall be subject to the same Orders, Regulations, and Restrictions, as Guardians elected under the Poor Law Acts.

Transfer of Property to new Guardians.

75. The Workhouses, Goods, Effects, and Real and Personal Property belonging to a Union or Parish governed by a Local Act, and held or used for Purposes of the Relief of the Poor or of the Business, and upon such other Trusts, and for such other Purposes as would have been applicable to the same if this Act had not passed, of Guardians, shall by virtue of this Act be transferred to and vested in and belong to the Guardians of the Union or Parish when constituted under this Act, and shall be held and used for Purposes of such Relief and Business; and those Guardians shall pay and discharge the Debts and Liabilities lawfully incurred in and about such Relief, or otherwise due from the previous Guardians of the Union or Parish, as the same ought to have been paid and discharged by the previous Guardians if this Act had not been passed; provided that the Poor Law Board may, if they think fit, by Order, extend the Time of Payment of any such Debt for a Period not exceeding Six Months from the Date of the Order.

Continuance of existing Officers.

76. Officers and Persons appointed or acting under any such Local Act for any Purpose of the Relief of the Poor, or otherwise in the Service of the Guardians, and Superintendent Registrars of Births, Deaths, and Marriages, and Registrars of Births and Deaths, and Registrars of Marriages, shall be entitled to continue in Office after the Constitution of the new Board of Guardians under this Act to the same Extent as if this Act had not been passed; and their Service before the Constitution of that Board shall be reckoned in the Computation of any Superannuation Allowance to which they may become entitled.

Saving for rating Powers of existing Bodies.

77. Nothing in this Act shall deprive any Body constituted under a Local Act of any Power thereby vested in them of making and levying Poor Rates; and in relation to Guardians constituted under this Act every such Body shall be deemed Overseers within the Poor Law Acts as far as regards Liability to Payment of Contributions required by Guardians for Purposes of the Relief of the Poor in the Union or Parish.

Unions and Districts for Audit.

78. So much of Section Sixty-four of the Poor Law Amendment Act of 1844 as prevents the Union of Parishes governed by Local

Acts, without Consent of the Guardians, and Section Sixty-five of that Act, are hereby repealed as far as they relate to the Metropolis.

7 & 8 Vict. c. 101. ss. 64, 65.

Boards of Guardians.

Addition of nominated Guardians.

79. The Poor Law Board may from Time to Time nominate to be Members of a Board of Guardians of a Union or Parish in the Metropolis (whether elected under the Poor Law Acts or constituted under this Act) such Persons as they think fit partly from among Justices of the Peace for any County or Place resident in the Union or Parish, or from among Ratepayers resident therein and assessed to the Poor Rate therein on an annual rateable Value of not less than Forty Pounds, or partly from one and partly from the other, but so that the Number of Guardians so nominated do not ever exceed One Third of the full Number of the elected Guardians.

Officers.

Appointment of Officers on Failure of Managers, &c.

80. In case at any Time any Managers of an Asylum or Dispensary Committee under this Act, or any Board of Guardians of a Union or Parish in the Metropolis, fail, for Fourteen Days after Receipt of a Requisition of the Poor Law Board in this Behalf, to appoint (either originally or on a Vacancy) any Officer whom they are by Law required or authorized to appoint, then at any Time after the Expiration of that Period of Fourteen Days the Poor Law Board may, if they think fit, by Order, appoint a fit Person to be such Officer; and the Person so appointed shall have and perform all the same Powers, Rights, Privileges, and Duties as if the Appointment had been duly made by the Managers, Committee, or Guardians, as the Case may be.

Borrowing.

CLAUSE C.
Extension of Borrowing Powers.

81. Where the Guardians of a Union or Parish in the Metropolis require to borrow Money for the Purposes and under the Authority of the Poor Law Acts, the Principal Sum borrowed may be any Sum not exceeding One Half of the aggregate Amount of the Rates raised for the Relief of the Poor in that Union or Parish within Three Years ending on the Twenty-fifth Day of March next preceding the borrowing of the Money, anything in the said Acts to the contrary notwithstanding.

CLAUSE D.
Provision for Orders of Removal and of Maintenance.

82. Nothing in this Act contained shall prevent any Board of Guardians or Churchwardens and Overseers from obtaining any Order of Removal or any Order of Maintenance in respect of any Pauper by reason of the Costs and Expenses of such Pauper being repaid out of the Common Fund.

Metropolitan Poor.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief; and for other Purposes relating to Poor Relief in the Metropolis.

(*Prepared and brought in by Mr. Hardy and Mr. Earle.*)

Ordered, by The House of Commons, *to be Printed*,
7 *March* 1867.

Under 3 *oz.*

A

B I L L

TO

Make better Provision for facilitating and regulating the Supply of Water to the Metropolis and Metropolitan Districts.

Preamble.

10 Vict. c. 7. and 10 & 11 Vict. c. 93.

WHEREAS by "The Waterworks Clauses Acts, 1847 and 1863," certain Provisions are made for ensuring a constant Supply of Water to be kept up for domestic Purposes at High Pressure, and other Provisions are made with respect to Waste or Misuse or fouling of the Water supplied by the Undertakers to the Metropolis:

15 & 16 Vict. c. 84.

And whereas by "The Metropolis Water Act, 1852," all Companies supplying the Metropolis or any Part thereof with Water for domestic Use are prohibited from taking any Water for such Purpose from any Part of the River Thames below Teddington Lock, or from any Part of any of the tributary Rivers or Streams of the River Thames below the highest Point where the Tide flows in such tributary Rivers and Streams respectively, from and after the Thirty-first Day of August One thousand eight hundred and fifty-six; and that after the Expiration of Five Years from the passing of the said "Metropolis Water Act, 1852," every Company shall, subject to the Provisions of the Special Act relating to such Company, provide and keep in the District Mains, then already laid down or thereafter to be laid down by them, a constant Supply of pure and wholesome Water sufficient for the domestic Use of the Inhabitants of all Houses supplied by such Company at such Pressure as would make the Water reach the top Story of the highest of such Houses, but not exceeding the Level prescribed by the Special Act of such Company; provided that no Company shall be bound to provide a constant Supply of Water to any District Main until Four Fifths of the Owners or Occupiers of the Houses on such Main shall, by Writing under their Hands, have required such Company to provide such Supply, nor even upon such Requisition in case it can be shown by any Company objecting to the same that more than One Fifth of the Houses on such Main are not supplied with Pipes, Cocks, Cisterns, Machinery, and Arrangements of all Kinds for the Reception and Distribution of Water, constructed according to the Regulations prescribed by the Special Act or that Act, or which any Company, with the Approval of the Board of Trade, may from Time to Time make in that Behalf; and provided also, that any Company may, with the Consent of the Board of Trade, suspend the giving of such constant Supply, or give the same in Succession to the several Districts of such Company, or to any Parts of such District, as may be found convenient; and provided that it shall be lawful for the Company, after due Notice, to abstain from supplying, or to cut off the Communication Pipes and withdraw the Supply of Water from any House whereof the Pipes, Cocks, Cisterns, Machinery, or Arrangements as aforesaid shall not be in conformity with such Regulations; provided that neither the Kent Waterworks Company nor the Hampstead Waterworks Company shall be required to give such Supply at any Height exceeding One hundred and eighty Feet above Trinity Highwater Mark, nor the East London Waterworks Company be required to give such Supply at any Height exceeding Forty Feet above the Level of the Pavement nearest the Point at which such Supply shall be required:

26 & 27 Vict. c. 93.

And whereas by "The Waterworks Clauses Act, 1863," it is enacted that a Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle or Horses, or for washing Carriages, where such Horses or Carriages are kept for Sale or Hire or by a Common Carrier, or a Supply for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose; and where the Undertakers are authorized by the Special Act to supply Water for other than domestic Purposes they shall not be liable, in the Absence of express Stipulation, under any Agreement for the Supply of Water for other than domestic Purposes, to any Penalty or Damages for not supplying such Water, if the Want of such Supply arises from Frost, unusual Drought, or other unavoidable Cause or Accident:

And whereas by the "Metropolitan Fire Brigade Act, 1865," certain Powers are given for causing Water to be shut off from the Mains and Pipes of any District in order to give a greater Supply and Pressure of Water in the District in which the Fire occurred:

28 & 29 Vict. c. 90.

And whereas by "The Sanitary Act, 1866," the Sewer Authority may, if it think it expedient so to do, provide a Supply of Water for the Use of the Inhabitants of the District by (1.) Digging Wells; (2.) Making and maintaining Reservoirs; (3.) Doing any other necessary Acts, and they may themselves furnish the same or contract with any other Persons or Companies to furnish the same, such Land to be purchased by Agreement or in manner provided by "The Local Government Act, 1858:"

29 & 30 Vict. c. 90.

And whereas the present Supply of Water in the Metropolis and Metropolitan Districts, both as regards its Quantity and Purity, is found to be inefficient as well as inadequate to the Wants of the Population, more especially as it affects the poorer Classes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PRELIMINARY.

Short Title of Act.

1. In citing this Act in other Acts of Parliaments and in legal Instruments it shall be sufficient to use the Expression "The Metropolitan Water Supply Regulation Act, 1867."

Extension of Act.

2. This Act shall extend to all the before-recited Acts of Parliament as well as to all Special Acts of existing Water Companies, and be incorporated therewith, except so far as the same may be altered or varied by any Clauses of this Act. The Terms used in this Act shall have the same Meaning as the same Terms have when used in "The Waterworks Clauses Act, 1847." The Word "Landowner" in this Act shall mean such Person as under the Act of the Eighth and Ninth Years of Her present Majesty, for facilitating the Inclosure and Improvement of Commons, would be deemed a Person interested in Land for the Purposes of that Act.

Definition of Terms.

8 & 9 Vict. c. 118.

PART I.

As to the Supply of Water by Land Owners, and Power to Companies and others for purchasing the same.

Provisions under 16 & 17 Vict. c. 154.,

3. All the Provisions of "The Lands Improvement Company's Act, 1853," and of the several "Lands Improvement Company's Acts, 18 & 19 Vict. c. 84., 22 & 23 Vict. c. 82., and 26 & 27 Vict. c. 140., to extend to this Act to enable Landowners to dig Wells and make Reservoirs on their Lands.

Acts, 1855, 1859, and 1863," shall be extended to this Act, and be incorporated therewith, so far as to enable Landowners to sink Wells or Shafts and construct Reservoirs and Waterworks for the Storage and Distribution of Water upon their Lands, and for that Purpose to make, maintain, alter, or discontinue such Reservoirs, Waterworks, Cisterns, Tanks, Aqueducts, Drains, Cuts, Sluices, Pipes, Culverts, Engines, and other Works, and erect such Buildings upon the Lands and Streams, and direct or take the Waters supplying or flowing into such Streams, as such Owners may think proper, for obtaining and providing an efficient Supply of Water, and may from Time to Time sell and dispose of such Water to any Company or Persons undertaking to purchase the same, under the Provision herein-after mentioned.

Compensation for Damage made to Owners having an Interest in the Stream above and below Reservoirs and Waterworks, and such Interest to be protected by Guarantees, under the Direction of the Inclosure Commissioners.

4. The Inclosure Commissioners are hereby empowered to make Compensation to any Landowner or other Person having an Interest in Lands lying above or below or adjacent to the Stream which may be used or diverted into any Reservoir or other Works for the Storage of Water so to be constructed under the Provisions of this Act, as herein-before mentioned, for any Loss or Damage which may be occasioned to such Lands by the Diversion or Diminution of such Stream for that Purpose; and the said Inclosure Commissioners are also empowered to make such Inquiries, and to provide such Guarantees or Securities for protecting the present and future Interests of such Landowners or other Persons in such Stream, as they may deem expedient.

Power to purchase a fresh Supply of Water, and to lay down Pipes, &c. for conveying the same.

5. All Water Companies and Railway Companies now or hereafter to be incorporated by Act of Parliament, as well as all Persons undertaking to provide a Supply of Water for the Metropolis and Metropolitan Districts, are hereby empowered to purchase from the Owners of any Wells and Reservoirs to be made under the Provisions of the Act any Quantity of Water they may deem necessary for the Use of the Inhabitants of the said Metropolis and Metropolitan Districts, in addition to and beyond what may be provided by any Special Act, or where there is no such Special Act then any Quantity which the said Company or Undertakers may deem necessary for furnishing a fresh Supply to such Inhabitants; and the said Company or Undertakers may enter upon any Lands, and break up the Soil thereof, subject to the Proviso hereafter mentioned, to lay down, place, or construct any Pipes, Conduits, Tanks, Cisterns, or other Works necessary for the conveying such fresh Supply of Water, and may from Time to Time repair, alter, or remove any such Pipes, Conduits, Tanks, Cisterns, or other Works, and do all other Acts which they may from Time to Time deem necessary for supplying such Water for the Use of the Inhabitants of the said Metropolis and Metropolitan Districts, doing as little Damage as can be in the Execution of the Powers hereby granted, and making Compensation for any Damage which may be done in the Execution of such Powers; and if any Dispute or Question shall arise between the said Company or Undertakers and such Owners, Lessees, or Occupiers of Lands as aforesaid, touching the Amount of any such Damage, the same shall be settled by Arbitration in such Manner as is provided by "The Lands Clauses Consolidation Act, 1845"; and all the Provisions of that Act shall be applicable to determine the Amount of any such Compensation, and to enforce Payment or other Satisfaction thereof.

Compensation for Damage to be made to Owners, Lessees, or Occupiers.

8 & 9 Vict. c. 18.

6. Provided always, That nothing herein contained shall authorize or empower any Companies or Undertakers to lay down or place any Pipes, Conduits, Tanks, Cisterns, or other Works in any Land not dedicated to public Use, without the Consent of the Owners and Occupiers thereof, except that such Companies or Undertakers may at any Time enter upon and lay or place any new Pipe, Conduit, Tank, Cistern, or other Works in the Place of any of those existing in any Land wherein the same have been already laid down or placed, in pursuance of this or any other Act of Parliament, and may repair or alter the same accordingly.

Not to enter on private Lands without Consent.

7. The said Companies or Undertakers shall provide and keep in the Pipes, Conduits, Tanks, Cisterns, and other Works so to be laid down, placed, or constructed by them as aforesaid a constant, uninterrupted, daily Supply of pure and wholesome Water, and sufficient for the domestic Use of all the Inhabitants of the District in which they undertake to supply the same, and shall also cause Pipes to be laid down and Water to be brought to every Dwelling House within such District, so that such constant daily Supply shall be laid on at such a Pressure as will make the Water reach the top Story of every such Dwelling House; and the Owner or Occupier of every such Dwelling House shall provide a proper Cistern or other Receptacle for the Water with which he shall be supplied, with an efficient Ballcock or other like Apparatus, and shall be subject to all the Powers and Provisions for the Regulation of such Cisterns, Receptacles, and Ballcocks as are in force by "The Metropolis Water Supply Act, 1852."

A constant daily Supply of Water to be furnished by Companies or Undertakers.

15 & 16 Vict. c. 84.

8. Wherever a Tank, Cistern, or other Receptacle for such Supply of Water is attached to any Dwelling House within such District for the Purpose of supplying the same with Water, every such Tank or Cistern shall be cleansed and purified by the Owner or

Tanks or Cisterns attached to Dwelling Houses to be cleansed once in every .

or Occupier of such Dwelling House once at least in every ; and in case such Owner or Occupier shall fail or neglect to do so, then it shall be imperative on the said Companies or Undertakers supplying such District with Water to cleanse and purify such Tanks, Cisterns, or other Receptacles, and charge the Expenses thereof to such Owners and Occupiers; and all the Provisions of "The Waterworks Clauses Act, 1847," for the Recovery of any Rates thereby imposed for a Supply of Water upon the Owners or Occupiers of such Dwelling Houses, shall, in addition to such Rates, be applicable to the Recovery of the Expenses to be from Time to Time incurred by the Companies or Undertakers in the cleansing and purifying such Tanks, Cisterns, or other Receptacles as aforesaid.

10 Vict. c. 17.

PART II.

As to the Supply of Water to the Dwelling Houses of the poorer Classes.

Supply of Water to Owners of Houses not exceeding a Rental of 10*l.* per Annum.

9. The said Companies or Undertakers shall provide and keep in the Pipes so to be laid down by them as aforesaid a constant and daily Supply of pure and wholesome Water, sufficient for the domestic Use of the Occupiers of all Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements the annual Value of which Houses or Tenements shall not exceed the Sum of *Ten Pounds.* Such Supply shall be daily and constantly laid on at such a Pressure as will make the Water reach the top Story of such Dwelling Houses or Tenements, and the Owners of such Dwelling Houses or Parts of Dwelling Houses shall be liable to the Payment of any Rates imposed by any Special Act for the Supply of Water, instead of the Occupiers thereof; and the Person receiving the Rents of any such House or Tenement from the Occupier thereof on his own Account, or as Agent or Receiver for any Person interested therein, shall be deemed the Owner of such House or Tenement; and the Powers and Provisions in any Special Act, or in "The Water Clauses Act, 1847," for the Recovery of Rates from Occupiers, shall be construed to apply to the Owners of such Houses and Tenements only.

10 Vict. c. 17.

Tanks, Cisterns, &c. to be supplied with proper Ballcocks or other Apparatus.

10. The Owners of all such Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, the annual Rent of which shall not exceed *Ten Pounds,* whenever such Water shall be daily and constantly supplied, shall provide a proper Tank, Cistern, or other Receptacle for the same, with an efficient Ballcock or other like Apparatus, and from Time to Time keep and maintain the same in good and efficient Repair; and the Powers and Provisions of "The Metropolis Water Supply Act, 1852," for regulating such Tanks, Cisterns, or Receptacles, and the Waste and Overflow of Water, or Return of impure Matter into the Mains or Pipes, shall be strictly enforced against such Owners, save and except that it shall not be lawful for any Company or Undertakers to cut off the Pipe or turn off the Water from such Dwelling House and Tenement, or to cease to supply the same with Water, or cease to supply Water into any such Tank, Cistern, or other Receptacle for Water, in case of Noncompliance by the Owner of such Dwelling House or Tenement with the Regulations prescribed by the Twenty-second and Twenty-third Sections of the said "Metropolis Water Supply Act, 1852."

15 & 16 Vict. c. 84.

15 & 16 Vict. c. 84.

Costs of repairing and maintaining Cisterns, Ballcocks, &c. to be defrayed by Owners.

11. Provided always, That in all Cases of Noncompliance by the Owners of such Houses and Tenements with the Provisions last herein-before contained, it shall be lawful for the said Companies or Undertakers to enter into and upon the said Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, and to ask, demand, sue for, recover, and receive from the Occupiers thereof all Costs, Charges, and Expenses which the said Companies or Undertakers may have sustained or been put unto in the Supply of such Water, the cleansing and purifying of any such Tanks, Cisterns, or other Receptacles for Water, and the maintaining and repairing the same, and of any such Ballcocks or other Apparatus, and the Money so received from the said Occupiers by the said Company or Undertakers shall be deemed, considered, and taken, so far as the same shall extend, as Payment of Rent from the said Occupiers to the Owners of such Houses and Tenements; and the Receipts of the said Companies or Undertakers, for such Costs, Charges, and Expenses, to the said Occupiers, shall be taken and accepted by the said Owners as Payment in discharge of so much Rent as the Amount mentioned and specified therein, and such Receipts may be pleaded in bar against any Distress or Suit at Law to be levied or instituted by the Owners against the Occupiers of such Houses and Tenements for the Recovery of such Rent; and also it shall and may be lawful for any of the said Companies or Undertakers, notwithstanding the Provisions aforesaid, if they shall deem it expedient, to recover from such Owners, by Action or Suit in any Court of competent Jurisdiction, the Amount of any Loss, Damage, or Injury which they may sustain by means of any such Act, Matter, or Thing as aforesaid.

In case Owners neglect to supply Water after Notice

12. If it shall appear to the Churchwardens and Overseers of the Poor of any Parish or Township that any Dwelling Houses or Parts of Dwelling Houses so occupied as separate Tenements as aforesaid given by Churchwardens and Overseers, Companies to furnish such Supply, and recover the Expenses of all necessary Works from the Overseers.

said are without a daily and constant Supply of Water, the said Churchwardens and Overseers shall, with the Consent of the Vestry, give Notice to the Owners of such Dwelling Houses and Tenements, requiring them to supply and do all such Works as may be necessary for that Purpose, and if such Notice be not complied with the said Churchwardens and Overseers shall, with the Consent aforesaid, authorize the said Companies or Undertakers to do such Works, and recover the Expenses incurred thereby from such Owners in like Manner, and with the same Remedies for the Nonpayment, as Rates for the Maintenance of the Poor are recoverable in such Parish or Township; and the said Companies or Undertakers, upon the Requisition of the said Churchwardens and Overseers of the Poor, shall supply such daily and constant Supply of Water to such Houses and Tenements, and the Rate for such Supply shall be regulated according to the Terms which may be agreed upon between the said Churchwardens and Overseers of the Poor and the said Companies or Undertakers, but not exceeding the Rate prescribed by the Twenty-seventh Section of "The Metropolis Water Act, 1852."

15 & 16 Vict. c. 84.

Not to interfere with Rates of existing Water Companies.

13. Nothing in this Act shall interfere with any Rates of existing Water Companies, nor with any Powers and Provisions of Special Acts for the Supply of Water, except so far as the same may be extended, altered, or varied by this Act.

PART III.

Powers to borrow Money.

Provisions under 16 & 17 Vict. c. 154., 18 & 19 Vict. c. 84., 22 & 23 Vict. c. 82., 26 & 27 Vict. c. 140., 10 & 11 Vict. c. 18., and 13 & 14 Vict. c. 31., to extend to this Act, to enable Landowners, Companies, &c. to borrow Money.

14. All the Provisions of "The Lands Improvement Company's Act, 1853," and of the several "Lands Improvement Company's Acts, 1855, 1859, and 1863," of the Act of the Tenth and Eleventh Victoria, Chapter Eighteen, "to facilitate the Drainage of Lands in England and Wales," and of the Thirteenth and Fourteenth Victoria, Chapter Thirty-one, "to authorize further Advances of "Money for Drainage and the Improvement of Landed Property in "the United Kingdom, and to amend the Acts relating to such "Advances," shall be extended to this Act, so far as to enable Landowners, Water Companies, Railway Companies, and Undertakers to borrow Money, and give Securities for Repayment of the same, for the Purpose of carrying into effect the Provisions of this Act.

Water Companies may charge present or impose future Rates for the Repayment of Loans to be advanced.

15. Water Companies are hereby empowered to charge existing Rates, or to impose additional Rates, for the Repayment of any Loans to be contracted by them for the Purpose of carrying into effect the Provisions of this Act.

16. Railway Companies are hereby empowered to issue Debentures or Preference Shares, in addition to and in precedence of any existing Debentures or Shares, for the Amount of any Loans to be contracted by them for defraying the Expenses of making and laying down Pipes and constructing Works for the Conveyance and Supply of Water, under the Provisions of this Act.

Railway Companies may issue Debentures or Preference Shares for the Amount of Loans to be advanced.

Metropolitan Water Supply.

A

B I L L

To make better Provision for facilitating and regulating the Supply of Water to the Metropolis and Metropolitan Districts.

(*Prepared and brought in by*
Mr. Whalley and Mr. Lusk.)

Ordered, by The House of Commons, *to be Printed,*
22 *March* 1867.

[Bill 88.]

Under 2 *oz.*

A

BILL

TO

Extend to Ireland the existing Law of Great Britain respecting the Presence of Military at Parliamentary Elections.

WHEREAS it is expedient that the same Law and Practice should prevail in Ireland as in Great Britain respecting the Presence of Military at Parliamentary Elections: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

10 & 11 Vict. c. 21. extended to Ireland.

1. That the Statute passed in the Tenth Year of Her Majesty's Reign, intituled "An Act to regulate the Stations of Soldiers "during Parliamentary Elections," shall be and the same is hereby extended to Ireland.

Interpretation.

2. And for the Purposes of this Act the following Words in the Third and Fourth Sections of the said Act respectively shall, in

applying the same to Ireland, have the Meanings hereby assigned to them; (that is to say,)

"Election" shall mean an Election to be made in Ireland;

"The Clerk of the Crown in Chancery" shall mean the Clerk of the Hanaper in Ireland;

"The Secretary at War" shall mean the Commander of the Forces in Ireland;

"Great Britain" shall mean Ireland;

"Guards of Her Majesty or any Person of the Royal Family" shall extend to and include Soldiers attending as Guards of the Lord Lieutenant or other Governor or Governors General of Ireland; and

"Bank of England" shall mean Bank of Ireland.

Military at Elections (Ireland).

A

B I L L

To extend to Ireland the existing Law of Great Britain respecting the Presence of Military at Parliamentary Elections.

(Prepared and brought in by
Mr. Serjeant Barry, Major Esmonde, and
Mr. O'Beirne.)

Ordered, by The House of Commons, *to be Printed,*
14 *February* 1867.

[Bill 23.]

Under 1 *oz.*

Militia (England) Bill.

The following Bill is intended to contain in a connected and consistent Form the existing Law (except as to providing Storehouses) relating to the Militia raised in England, with such Modifications as have been suggested either by Experience of the working of the existing Enactments or in the Process of Consolidation.

The Modifications, where they have been deemed of Importance, are specially noticed in the Italic Notes at the Side or Foot of the Clauses, and in all Cases the existing Enactments on which the Clauses of the Draft are based are noticed in the Margin, and where they are departed from it is noticed that they are altered.

The Italic Notes and References form no Part of the Bill.

Militia (England) Bill.

ARRANGEMENT OF CLAUSES.

Short Title. Interpretation.

Clause
1. Short Title.
2. Interpretation of Terms.

Number and Quotas of Militia.

3. Number of Militia, 80,000.
4. Her Majesty may increase the Militia of England to 120,000 Men in certain Cases.
5. Parliament to be assembled when Increase of Militia is ordered.
6. Quotas of Counties.

Formation of Regiments. Uniting of Militia.

7. Her Majesty may direct into what Regiments Militia shall be formed, and with what Officers and Staff.
8. Power to unite Portions of Militias of Counties to form Artillery Corps.

Appointment of Lieutenants and Deputy Lieutenants of Counties, and Officers of Militia.

9. Her Majesty to appoint Lieutenants of Counties who shall command the Militia.
10. Lieutenants to appoint Deputy Lieutenants and Officers.
11. All Appointments to be subject to Her Majesty's Approbation. Rank of Officers.
12. Number of Deputy Lieutenants.
13. Provision for Absence or Disability of Lieutenant.
14. Vice-Lieutenants may be appointed.
15. Property Qualifications for Deputy Lieutenants and Officers of the Rank of Captain or a higher Rank. Income of Personal Estate in possession to be deemed equivalent to the yearly Value of Land.
16. Property Qualifications not required in certain Cases.
17. Qualification to be delivered to Clerk of the Peace.

Clause
18. Clerk of the Peace to send Copies of Qualifications to Lieutenant, and enter same on a Roll, and insert in Gazette Dates of Commissions, &c.
19. Returns to Secretary of State and Parliament.
20. Oath to be taken by Deputy Lieutenant and Officers.
21. Penalty for acting as Deputy Lieutenant, &c., without being qualified, &c.
22. Acts of Persons not qualified to be valid.
23. Displacement of Deputy Lieutenants and Officers.
24. Commissions not to be vacated by Revocation of Appointment of Grantor.
25. Her Majesty to appoint Adjutants from the Army or Militia, who shall preserve their Rank, and in certain Cases may be appointed to the Rank of Captain.
26. Rank of Adjutants.
27. Appointment of Surgeons.
28. Appointment, &c. of Members of Permanent Staff, &c.
29. Adjutant, &c. not to be appointed Captain of a Company, and vice versâ.
30. Extra Musicians may be kept at the Expense of the Colonel, &c.
31. Persons disqualified for Permanent Staff, &c.
32. Rank of Officers accepting Commissions in other Regiments.
33. Half Pay and Pensions preserved.

Vacancy in Office or Absence of Commanding Officer.

34. County Lieutenants may act as Commanding Officers of Regiments during Vacancies.
35. Where Commanding Officer is absent, Officer next in Rank to act for him.

Clerks of General Meetings.

36. Appointment of Clerks of General Meetings.

Residence, Employment, &c. of Permanent Staff; and Custody of Arms, &c.

37. Members of the Permanent Staff where to reside.
38. Employment of Permanent Staff.
39. Provision for Custody of Arms and Clothing while Militia disembodied.
40. Command of Permanent Staff.

Clause

41. Members of Permanent Staff offending in certain Cases, how to be dealt with.
42. Discharge for Misconduct of a Member of the Permanent Staff formerly in the Army, how to be certified.

Power to Secretary of State to make Regulations.

43. Secretary of State may make Regulations.
44. Regulations to be laid before Parliament.

Raising Militia by Voluntary Enlistment.

45. Volunteers to be raised for supplying the Places of Men whose Time is about to expire, and for supplying Vacancies by Death, &c.
46. The Number not raised by Enlistment in any County may be authorized to be raised by Enlistment in and for another County.
47. Volunteers to be sworn and enrolled.
48. List of Volunteers to be sent to Clerk of General Meetings.
49. Deputy Lieutenants to aid in raising Volunteers for the Militia.
50. Provision for raising, &c. additional Men in case of Increase of Number by Proclamation.

Raising Militia by Ballot.

51. General Meetings of Lieutenancy may alter the existing Subdivisions.
52. Part of one County may by Order in Council be attached to another.
53. Quotas of Subdivisions to be fixed by Orders in Council.
54. Secretary of State to apportion Deficiency among Subdivisions, and certify Numbers to be raised.
55. Regard to be had in Apportionment among Subdivisions to the Number of Men actually serving who when enrolled were resident in each Subdivision.
56. Lieutenant to appoint Places for holding Subdivision Meetings.
57. In what Cases Men may be ordered to be raised by Ballot.
58. Power to suspend any Order in Council for a Ballot, and revoke any Order of Suspension.
59. Regulations for holding General Meetings of Lieutenancy.
60. Adjournment of General Meetings.
61. As to the holding of Subdivision Meetings.

Clause
62. Subdivision Meetings to consist of Two Deputy Lieutenants at the least.
63. When Two Deputy Lieutenants do not attend, another Meeting to be appointed by Notice from the Clerk.
64. Clerks of Subdivisions to give Notice of Meetings to Deputy Lieutenants and Commanding Officers, and send to Colonels Lists of Men enrolled.
65. Notices of General and Subdivision Meetings to be sent to Deputy Lieutenants by Post.
66. Appointment of Clerks of Subdivisions.
67. Clerk of General Meetings to act until Clerk of Subdivision appointed.
68. Secretary of State to require Clerks of Subdivisions to give Security.
69. Penalty for acting as Subdivision Clerk without giving Security.
70. Notices to be given to Householders.
71. Penalty on Householder not making due Return.
72. List to be made out from Returns.
73. Vestry or Meeting to be called in each Parish to determine as to providing Volunteers at Parish Expense.
74. How Volunteers to be provided pursuant to Resolution of Vestry or Meeting.
75. Rate for defraying Expenses. Persons who have served by themselves or Substitutes not liable to the Rates.
76. Lists to be returned to Subdivision Meetings, and Deputy Lieutenants to amend Lists, apportion Quota for the Subdivision among Parishes, and appoint Meetings for the Ballot.
77. Lists of Two or more Parishes may be added together, and such Parishes treated as One Parish.
78. Penalty for inducing Overseer to make false Returns, or refusing to tell Name, &c.
79. Deputy Lieutenants may require the Attendance of Overseers, Constables, &c.
80. At the Subdivision Meeting for Ballot twice the Number of Men required to be chosen by Ballot, and another Meeting appointed.
81. At such Meeting Claims of Exemption to be heard.
82. Persons to serve though they remove. Persons having more than One Residence to serve where their Names first inserted.
83. Lists to be corrected, and the Number of Men required to be attested and enrolled and altered.

Clause
84. Declaration to be made by Medical Practitioner. Allowance to him.
85. Provision for Case of List of balloted Men being exhausted before the requisite Number obtained.
86. Supply of Vacancies happening between the annual Ballots.
87. Balloted Man may produce a Substitute.
88. Consequences of not appearing and being attested.
89. Penalties under last preceding Enactment to be applied in providing Substitutes. Surplus to be a Part of Regimental Stock. Return of such Penalties to Clerk of General Meetings.
90. Consequences of Refusal to be examined.
91. Certain Persons exempt from Service. Persons who have served (other than Substitutes or Volunteers) not liable to serve again till their Turns come.
92. Occupiers being Quakers to produce Certificates acknowledging them Quakers, and Overseers to make the like Returns as in Case where no Return made.
93. Justices may appoint Deputies for Overseers being Quakers.
94. Two Deputy Lieutenants may provide Substitutes for Quakers; the Expense to be paid by Overseers and levied by Distress. Quakers may complain to Deputy Lieutenants.
95. Levy of certain Costs on Nonpayment of Rate by Quakers.
96. No Person to be deemed a Quaker unless he produce a Certificate of his being of that Persuasion.
97. Substitutes or Volunteers who do not appear to be attested shall return the Bounty, and be liable to Penalty.
98. How Money agreed to be given to a Substitute or Volunteer may be ordered to be paid where Militia not embodied, and where it is.
99. Half the Price of Volunteers to be paid by Parish Officers to Persons chosen by Ballot who serve or provide a Substitute, on their making Oath that they are not worth 500*l*. Penalty on Parish Officers for refusing to pay. If Person chosen or Substitute disapproved, Allowance not to be paid to him, but to the next Person chosen.
100. Provision as to Parishes in Two Counties.
101. Persons fraudulently bound Apprentice to be liable to serve, and the Master to forfeit 10*l*.
102. Deputy Lieutenants may determine Differences between Parish Officers.

Clause

103. Forms to be furnished by Secretary of State, and Expenses defrayed out of Monies provided by Parliament.

104. Provision consequential on Alteration of Quotas.

105. New Lists shall be made out if any are lost.

106. When a Regiment is out of its County, a List of Men whose Time is within Four Months of expiring, and willing to continue in the Service, and for what Price, to be transmitted bi-monthly by the Commanding Officer to Clerk of General Meetings. Signing the List shall be binding.

107. Clerk of General Meetings to transmit to Clerks of Subdivisions Extracts of Returns, and Deputy Lieutenants may cause the Men willing to continue to be enrolled, and require the Parish Officers to remit their Bounties to the Paymaster.

Assessments on Parishes making default in raising Militiamen.

108. Returns of the Militiamen raised in each County under the Provisions relating to Ballot to be made to Quarter Sessions.

109. Where the Quota of any County is not raised, 10*l.* to be paid for each Man deficient, to be raised by Assessment on Parishes in default.

110. Assessments on each Parish to be in proportion to the Number of Men it is required to raise. When the Deficiency arises in any particular Parish or Parishes, the Assessment to be made thereon.

111. Notice of Sums assessed to be given to the Overseers, who are to raise the same by a Rate.

112. County Treasurer to retain such Money Three Months, and pay thereout Bounties to any Volunteers the Deputy Lieutenants raise within that Period for supplying Deficiencies, and pay Balance to Receiver General of the County.

113. When the Assessment upon any County is paid to the Receiver General, it shall be indemnified for not raising its Quota. Such Money to be paid into the Exchequer, to be disposed of by Parliament. Treasury may allow to Receiver General a Reward for his Trouble.

114. County Treasurer may detain 1*d.* in the Pound of the Money he receives, and to make a like Allowance to every Overseer.

115. Clerks of the Peace to transmit annually Copies of Certificates received from the County Lieutenants, and, where not delivered, to certify Omission to the Treasury, &c., and to certify Omissions of Justices in proceeding to raise Money to the Solicitor of the Treasury, who is to compel them to do so.

Clause
116. If 10*l.* a Man be not raised in any Place, and paid into the Exchequer, Solicitor of the Treasury to compel its being done.
117. Penalty for Neglect of Duty in Clerks of the Peace, Receivers General, Treasurers, &c. Solicitor of the Treasury to prosecute Justices, &c. for Neglect, on Penalty of 500*l.*

Discharge and Promotion of Men, &c.

118. Militiamen may be transferred to another Regiment; Restriction on quitting United Kingdom.
119. Men becoming unfit to serve may be discharged; if by Commandant only, to be confirmed by Two Deputy Lieutenants before others are balloted for.
120. Vacancies occasioned by Death, &c. to be certified.
121. Provision for Case of a Private appointed in the Room of a Non-commissioned Officer, &c. reduced to the Ranks.
122. Where a Man is provided in the Room of One appointed a Non-commissioned Officer, Quarter Sessions may order a Sum to be paid out of the County Rates.
123. If Men absent themselves and do not return, or be not taken within Three Months, their Places to be deemed vacant. Whenever such Men return or are taken, they are to serve.
124. Power to Secretary of State to discharge Militiamen.

Drill, Training, and Exercise.

125. Men to attend at Head Quarters, &c. for preliminary Instruction.
126. Officers, Non-commissioned Officers, and Men may be voluntarily attached to the Army for Instruction.
127. Period and Times and Places of Training and Exercise.
128. Her Majesty may, by Order in Council, cause Militia to be exercised out of their own Counties, or extend or reduce the Period of Exercise.
129. Time of Training may be extended by Her Majesty after Militia is called out.
130. When a Regiment has been disembodied Her Majesty may suspend Training for a Year.
131. Secretary of State may move Regiments disembodied into any Quarters.
132. Time of Drill not to be reckoned, &c.
133. Lieutenants, with Approbation of the Secretary of State, to provide Places for Exercise.
134. Stoppages for Necessaries, &c.

Embodying of the Militia.

Clause
135. In what Event and how Militia to be embodied.
136. Parliament to be assembled when Militia is ordered to be embodied.
137. Where Part only of Militia embodied in first instance further Part may be embodied afterwards.
138. When all the Militia of a County is embodied, all Officers, &c. to join.
139. Provision for Case of Part only of Militia of a County being embodied.
140. Militia not to be ordered out of United Kingdom.
141. Her Majesty may accept voluntary Offers of Militia to serve in the Channel Islands and Isle of Man.
142. On Militia being embodied Lieutenants of Counties to issue Orders for Notices to Men to assemble.
143. Disembodying of Militia.
144. Militia after being disembodied to be subject to former Engagements.

Classification of Men, and Selection of Men to serve, where Part only of the Militia of a County is embodied.

145. Secretary of State may direct Classification.
146. Deputy Lieutenants to class the Men enrolled, and make out a List, a Copy of which the Clerk of the Subdivision is to transmit to the Clerk of General Meetings, to be entered.
147. If Her Majesty order Part of the Militia to be embodied, County Lieutenant to issue his Order to Clerks of Subdivisions to make out Lists of Persons enrolled, &c.
148. County Lieutenants also to issue Orders for assembling the Men within their respective Subdivisions, and Notices to be given for that Purpose.
149. Men not appearing, or not abiding the Orders of the Deputy Lieutenants, to be deemed Deserters, and if not taken before the Ballot is completed shall forfeit 10*l.* and be liable to embodied.
150. County Lieutenant, &c. to appoint the First Subdivision Meeting for choosing Men, and the Time and Place for assembling the Men chosen, and Subdivision Meetings to be holden accordingly.
151. Deputy Lieutenants may correct Classes.

Clause
152. How Men to be chosen from Classes.
153. Further Proportion as well as Vacancies to be supplied in like Manner.
154. Any Person enrolled and chosen, not having a Child, may be accepted as a Volunteer.
155. When attending at the Ballot and not chosen, to be paid by Clerk One Shilling per Diem while from Home, to be reimbursed by the Receiver General.
156. Clerks may draw upon the Receiver General by Order of the Deputy Lieutenant, &c. for Money to pay Allowances.
157. Clerks, when required to make out Accounts of Monies received and paid, to be examined and allowed.

Provisions common to Training and Exercise and Embodiment.

158. How Notices of Times and Places of Exercise and for Meeting on Embodiment to be given.

Pay of Permanent Staff, and Pay of Officers and Men during Training and Embodiment, and Pensions.

159. Pay, &c. of Permanent Staff while disembodied.
160. Rates of Pay, &c. during Training and Exercise.
161. Her Majesty may order increased Pay to Militiamen attached to the Artillery.
162. Rates of Pay, &c. during Embodiment.
163. Pay, &c. when to commence.
164. Officers disabled entitled to Half Pay; Permanent Staff and Privates, to like Benefits as disabled Soldiers; and Widows of Officers, to Pensions.
165. Pensions to Persons not being Commissioned Officers after 20 Years Service.

Application of Mutiny Act and Articles of War.

166. Application of Mutiny Act and Articles of War.
167. Officers of the Army not to sit on Militia Trials, and vice versâ.
168. Men not attending or absenting themselves during Training deemed Deserters.
169. Provision for Apprehension of such Men.

Special Provision as to Absence from Training and Exercise.

170. Provision for withholding Payment of Bounty from Men wrongfully absent from Training.

Clause
171. Addition to Term of Service of Militiamen absent from annual Training.
172. Volunteer punished for Absence from Training, and afterwards serving for additional Period, to receive his Bounty.

Special Provisions as to Desertion where Militia embodied at the Time or afterwards.

173. Militiamen not joining when embodied deemed Deserters.
174. Addition to Term of Service of Deserters from embodied Militia.

Trial and Punishment of Deserters when Militia is neither embodied nor assembled for Training.

175. Deserters may, when Militia not embodied or assembled for Training, be proceeded against summarily before Justices, or tried by Court-martial.
176. Secretary of State may make Regulations, &c. for Trial of Deserters by Court-martial.

Reduction to the Ranks of Non-commissioned Officers, &c.

177. Non-commissioned Officers and Drummers may be reduced to the Ranks for a certain Period, &c.

Court-martial during Training.

178. Officer commanding any Division called out to Exercise, not under Rank of Captain, may order Court-martial, and Commandant of the Regiment, on Application, to order a sufficient Number of Officers to attend: Sentence to be submitted to Commandant.

Court-martial after Periods of Training and Embodiment for Offences then committed, and for Members of Permanent Staff when neither embodied nor assembled for Training.

179. Offences committed while Militia are assembled for Training or embodied may be afterwards tried by Court-martial; but Charges to be made out and delivered within Six Months after Training or being disembodied.
180. General Courts-martial may be appointed in the above-mentioned Cases, and for Trial and Punishment of Permanent Staff.
181. Regimental Courts-martial may be appointed.
182. Consequences of Officers not attending. Pay and Allowance to Officers.
183. Court-martial how to proceed.

Consequences of fraudulent Re-enrolment in Militia.

Clause

184. Fraudulent Re-enrolment to be deemed Desertion.

185. Militiaman fraudulently re-enlisting to be subject to serve in any Regiment in which he has enlisted, and to Stoppages.

186. The Justice before whom a Militiaman is convicted of Re-enlistment in the Militia to send Report of Conviction to Secretary of State.

Consequences of Militiaman's enlisting into the Regular Forces or entering the Navy.

187. Enlistment or Entry of a Militiaman into Land or Sea Forces void.

188. Fraudulent Enlistment or Entry into Land or Sea Forces by Militiaman punishable as Desertion. Militiaman so enlisting or entering may be put under Stoppages, &c. instead of being tried by Court-martial as a Deserter.

189. Provision as to Enlistment of Militiamen in the Regular Forces.

Consequences of Men of the Reserve Force, &c. enlisting in the Militia.

190. Provision against Enrolment in Militia of Men belonging to the Reserve Force.

191. Saving for Provisions in Acts establishing Royal Naval Coast Volunteers and Royal Naval Volunteers.

Enrolment of Seafaring Men prohibited.

192. Seafaring Men not to be enrolled.

Penalties for harbouring Deserters.

193. Penalty for inducing Militiamen to absent themselves, or harbouring them, &c.

Miscellaneous Provisions.

194. Lieutenants, Deputies, and Justices may administer Oaths.

195. Enrolment of Servants not to vacate their Contracts with their Masters unless the Militia be embodied, &c.; and if any Dispute arise touching Wages affecting a Sum under 20*l.* a Justice may settle it in a summary Way.

196. Where more than a Wife and Three Children become chargeable, the Overseers may provide another Man to serve in Room of the Father. Pay of such Man when to commence.

Special Provisions as to Berwick-upon-Tweed, Isle of Wight, Tower Hamlets, London, Miners of Cornwall and Devon, and Cinque Ports.

Clause
197. Berwick-upon-Tweed to be deemed Part of Northumberland.
198. Provision as to Isle of Wight.
199. Militia of the Tower Hamlets.
200. Saving for the Militia of the City of London.
201. Miners of Cornwall and Devon.
202. Provision as to Cinque Ports.

Publication of Notices, &c.

203. Publication of Notices, &c. how to be made.

Recovery and Application of Penalties.

204. Recovery of Penalties.
205. Application of certain Penalties.
206. Application of Penalties on Militiamen.

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207. 11 & 12 Vict. c. 44. to extend to County Lieutenants and Deputies.

Savings for Civil Rights.

208. Commissions in Militia not to vacate Seats in Parliament.
209. Voters going to Elections of Members not punishable for Absence.
210. Enrolment in Militia not to cause Forfeiture of any Interest in any Friendly or Benefit Society.

Exemptions from Civil Offices.

211. If Sheriff be a Militia Officer Under Sheriff answerable for him when Militia is embodied.
212. Non-commissioned Officers, Drummers, and Men not liable to serve as Peace Officers.

No Certiorari, &c. Limitation of Actions, &c.

213. Proceedings not to be quashed for Want of Form.
214. Limitation of Actions. General Issue. Full Costs.

Repeal of Acts.

215. Repeal of existing Acts. Saving for Commissions. Terms of Service, &c.
SCHEDULES.

A

B I L L

TO

Consolidate and amend certain Laws relating to the Militia in England.

WHEREAS it is expedient that several Acts now in force relating to the Militia in England should be consolidated and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. Interpretation.

Short Title.

1. This Act may be cited as "The Militia (England) Act, 1867."

2. In this Act—

Interpretation of Terms.

This Clause may be regarded as new.

The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

"The Secretary of State" means One of Her Majesty's Principal Secretaries of State:

"The Secretary of State for War" means Her Majesty's Principal Secretary of State for the Time being for the War Department:

"County" means County at large in England or Wales, or Riding or Part of any such County for which a distinct

Quota of Militiamen is by this Act appointed, inclusive of all Cities and Towns, being Counties of themselves, which are locally situate within any such County, Riding, or Part:

23 & 24 Vict. c. 120. s. 7.,

"Parish" means any Parish, Township, Extra-parochial or other Place for which Overseers are appointed; and where Overseers are not required to be appointed for any Extra-parochial Place by reason of its contributing under Agreement to the Poor Rates of any Parish, such Extra-parochial Place shall for the Purposes of this Act be deemed Part of such Parish:

"Lieutenant" means Her Majesty's Lord Lieutenant of any County:

"Commanding Officer" means Colonel (except an Honorary Colonel), Lieutenant-Colonel, Commandant, or Major, according to the Establishment of the Regiment:

"Captain" includes any other Commanding Officer of a Company:

"Meeting" includes adjourned Meeting:

"Quarter Sessions" means General or Quarter Sessions of the Peace, and any Adjournment of such Sessions:

"Justice" means Justice of the Peace:

6 & 7 Vict. c. 18. s. 101.

"Overseers" means all Persons who by virtue of any Office or Appointment execute the Duties of Overseers of the Poor, by whatever Name or Title called, and in whatever Manner appointed, and all Matters by this Act directed to be done by the Overseers of a Parish may be lawfully done by the Majority of such Overseers:

"Militia" means Militia to be raised in England and Wales:

"Regiment" means Regiment of Militia, and includes Battalion, Corps, and Company:

"Permanent Staff" means the Adjutant and such other Commissioned Officers and such Non-commissioned Officers and Drummers as may for the Time being be commissioned or attested thereto:

"Non-commissioned Officer" includes Corporal:

"Drummers" includes Musicians of any Kind receiving Pay in the Militia:

Any Expression meaning or referring to any Officer, Non-commissioned Officer, or Drummer means such Officer, Non-commissioned Officer, or Drummer, in the Militia:

"Volunteer" means a Man raised under this Act by voluntary Enlistment, other than a Man so raised at the Expense of any Parish:

"Mutiny Act" means the Act for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, for the Time being in force:

"Articles of War" means the Articles of War for the Time being in force under the Authority of the Mutiny Act:

"Treasurer," "Clerk of the Peace," "Clerk of General Meetings," and "Clerk of Subdivision," include respectively the Persons acting as their Deputies in such Offices respectively.

In connexion with the Interpretation of "County" in this Clause, it may be conveniently noticed that s. 9. of 42 Geo. 3. c. 90., concerning Cities and Towns which are Counties of themselves, is not proposed to be re-enacted, it being inapplicable to the present Organization of the Militia.

Number and Quotas of Militia.

Number of Militia, 80,000. *51 G. 3. c. 118. s. 6. 15 & 16 Vict. c. 50. s. 8.*

3. The Militia shall be raised and kept up according to the Provisions of this Act, and the Number of Private Militiamen to be raised and kept up for such Militia shall be Eighty thousand;

and such Militia shall form Part of "the Militia of the United Kingdom."

Her Majesty may increase the Militia of England to 120,000 Men in certain Cases. *15 & 16 Vict. c. 50. s. 30.*

4. Whenever a State of War exists between Her Majesty and any Foreign Power,

and in all cases of actual Invasion, or imminent Danger thereof,

it shall be lawful for Her Majesty (the Cause being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by Proclamation, if Parliament be not sitting), by Proclamation, to order that the Number of such Private Militiamen be forthwith increased to any Number not exceeding One hundred and twenty thousand, as Her Majesty may think fit;

and it shall be lawful for Her Majesty, whenever She may deem it expedient so to do, to reduce the whole or any Part of the additional Number of Men raised under this Provision, and by Proclamation to declare such Reduction accordingly.

The Power to increase the Number of the Militia on the First Event mentioned in this Clause, viz. the Case of actual War with a Foreign Power, is not given by the existing Law; as the Clause stands, the Events which authorize increasing the Number of the Militia are the same as those which authorize their being embodied.

In the existing Enactment the Words "or in being" follow "not sitting;" they are omitted as superfluous.

Parliament to be assembled when Increase of Militia is ordered. *15 & 16 Vict. c. 50. s. 31.*

5. Whenever Her Majesty orders such Increase of the Number of Militiamen as aforesaid, if Parliament be then separated by such Adjournment or Prorogation as will not expire within Fourteen Days, Her Majesty shall issue a Proclamation for the meeting of Parliament within Fourteen Days, and Parliament shall accordingly meet and sit upon the Day appointed by such Proclamation, and continue to sit and act in like Manner as if it had stood adjourned or prorogued to the same Day.

Quotas of Counties.
15 & 16 Vict. c. 50. s. 9.

6. The Numbers specified in Schedule (A.) to this Act shall be the Quotas of Private Militiamen to be raised and kept up by and for the several Counties in England and Wales until other Quotas are appointed as herein-after mentioned:

And it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to alter all or any of the said Quotas as Occasion (whether arising from an Increase in the whole Number of Militiamen under the Provision herein contained, or otherwise,) may appear to Her Majesty to require; and Notice of the Numbers from Time to Time appointed by Her Majesty, with such Advice as aforesaid, shall be transmitted to the several Lieutenants of the said Counties, and published in the "London Gazette;" and the Numbers so from Time to Time appointed shall be the Quotas of the several Counties for which the same are appointed until other Quotas are appointed in like Manner.

Formation of Regiments. Uniting of Militia.

Her Majesty may direct into what Regiments Militia shall be formed, and with what Officers and Staff.
15 & 16 Vict. c. 50. s. 25., 22 & 23 Vict. c. 38. s. 7.; and see 42 G. 3. c. 90. ss. 68, 69, 70, 71. 74.; see also 10 G. 4. c. 10.

7. It shall be lawful for Her Majesty, by Order signed by the Secretary of State, from Time to Time to direct the Lieutenants of the several Counties to form the Militia into such Regiments as to Her Majesty may seem fit, and to direct what Number of Officers, and of what respective Ranks, shall be appointed thereto, and what shall constitute the Staff thereof, and, where the Number of Militiamen required to be raised for any County, or the Number of Militiamen actually raised and serving for the County, appears to Her Majesty insufficient to be conveniently formed into or continued as a separate Regiment, to direct the Militia of such County to be united with the Militia of any County adjoining; and in every Case in which the Militia of Two or more Counties are united, it shall be lawful for Her Majesty to direct what Officers shall be appointed by the Lieutenants of such respective Counties, and what Officers previously appointed for the separate Militias shall serve in the united Militia, and generally to give such Orders and Directions in relation to the Organization of the united Militia as to Her Majesty may seem convenient.

Power to unite Portions of Militias of Counties to form Artillery Corps.
23 & 24 Vict. c. 94. s. 1.

8. It shall be also lawful for Her Majesty, by Order signed by the Secretary of State, from Time to Time to direct the respective Lieutenants to unite such Portions of the Militia of Two or more Counties as may be specified in such Order, and to form such united Portions into a Corps of Militia Artillery, and to direct what Number of Officers and of what respective Ranks shall be appointed to such united Corps, and what shall constitute the Staff thereof, and what Officers shall be appointed by the respective Lieutenants.

Appointment of Lieutenants, and Deputy Lieutenants of Counties, and Officers of Militia.

9. Her Majesty shall from Time to Time appoint Lieutenants for the several Counties, and such Lieutenants shall call together, arm, array, and cause to be trained and exercised the Militia of their Counties in manner herein directed, and shall have the chief Command of such Militia.

Her Majesty to appoint Lieutenants of Counties who shall command the Militia.
42 G. 3. c. 90. ss. 2, 5.

10. The Lieutenants shall from Time to Time, with the Approval of Her Majesty, appoint such Persons as they shall think fit, living within their respective Counties, and qualified as herein-after directed, to be their Deputy Lieutenants, and (save as herein otherwise provided, and subject to the other Provisions of this Act,) shall from Time to Time appoint such Persons as they think fit to be Colonels, Lieutenant Colonels, Majors, and other Officers, to train, discipline, and command the Militia of their Counties.

Lieutenants to appoint Deputy Lieutenants and Officers.
42 G. 3. s. 90. ss. 2, 5.

11. The Names of Persons to be so appointed Deputy Lieutenants, and the Names and Ranks of all Officers so to be appointed, shall be in every Case certified to Her Majesty; and in case Her Majesty, within Fourteen Days after such Certificate has been laid before Her, signify Her Disapprobation of any of the Persons so to be appointed, it shall not be lawful for any Lieutenant to grant a Commission to any Person so disapproved; but Commissions shall be granted to all Persons not so disapproved;

and the Officers so appointed for the Militia shall rank with the Officers of Her Majesty's Regular Forces as youngest of their Rank.

All Appointments to be subject to Her Majesty's Approbation.
Rank of Officers.
42 G. 3. c. 90. s. 2.

12. Twenty Deputy Lieutenants at least shall be appointed within every County, if so many Persons can be found duly qualified, but if not then as many Persons so qualified as can be found within such County shall be appointed such Deputy Lieutenants.

Number of Deputy Lieutenants.
42 G. 3. c. 90. s. 5.

13. If the Lieutenant of any County be absent from the United Kingdom, or otherwise incompetent or unable to act, or where there is no Lieutenant, Her Majesty may authorize any Three Deputy Lieutenants of such County to grant Commissions to Officers upon any Vacancy in such Manner as the Lieutenant could do, and to do all other Acts which might lawfully have been done by the Lieutenant, and such Deputy Lieutenants authorized as aforesaid, while so authorized, shall for all Purposes stand in the Place of the Lieutenant.

"The United Kingdom" is substituted for Great Britain, and the Words after "done by the Lieutenant" are new.

Provision for Absence or Disability of Lieutenant.
42 G. 3. c. 90. s. 3.

Vice Lieutenants may be appointed. *46 G. 3. c. 90. s. 45. 55 G. 3. c. 65. s. 9.*

14. It shall be lawful for the Lieutenant of any County, with the Approbation of Her Majesty, to appoint any Deputy Lieutenant to act for him within the County, as Vice-Lieutenant thereof, during the Absence, Sickness, or other Disability of such Lieutenant; and every such Vice-Lieutenant shall have Authority to grant Commissions to Officers upon any Vacancy, in like Manner as the Lieutenant, and to do all other Acts which might lawfully have been done by the Lieutenant, and shall for all Purposes stand in the Place of the Lieutenant, without Prejudice to the Authority of Her Majesty to make other Provision for this Purpose under the foregoing Enactment;

and every such Vice-Lieutenant shall rank within his respective County as Lieutenant Colonel of Militia.

The Words in the First Paragraph following "done by the Lieutenant" are not in the existing Act.

Property Qualifications for Deputy Lieutenants and Officers of the Rank of Captain or a higher Rank. *42 G. 3. c. 90. s. 6., see also ss. 7 & 8. 17 & 18 Vict. c. 105. s. 31., 18 & 19 Vict. c. 100. s. 1. This Clause departs in some degree from the existing Law as to Deputy Lieutenants; but see 15 & 16 Vict. c. 50. s. 4. and 17 & 18 Vict. c. 105. s. 31.*

15. Every Person appointed a Deputy Lieutenant or an Officer of any of the under-mentioned Ranks shall, except where herein otherwise provided, have the Property Qualification herein-after mentioned; that is to say,—

he shall be in possession for his own Benefit of an Estate for his own Life or the Life of another, or of some greater Estate, in Land or Heritages in the United Kingdom of the yearly Value herein-after mentioned in connexion with his Office or Rank; that is to say,—

Rank.	Yearly Value required for the Qualification.
Deputy Lieutenant -	£200.
Colonel - - -	£600.
Lieutenant Colonel -	£400.
Major - - -	£300.
Captain - - -	£200.

or, as to the Appointment of Deputy Lieutenant, Colonel, or Lieutenant Colonel, he shall be Heir Apparent of some Person who is in possession as aforesaid of a like Estate in like Property of the like yearly Value;

or, as to the Appointment of Major or Captain, he shall be a Son of some Person who is or at the Time of his Death was in possession as aforesaid of a like Estate in like Property of the like yearly Value:

Provided

Income of Personal Estate in possession to be deemed equivalent to the yearly Value of Land.
18 & 19 Vict. c. 100. s. 2.

Provided nevertheless, that for the Purposes of the Qualifications aforesaid a clear yearly Income arising from Personal Estate within the United Kingdom, of or to which Personal Estate or Income any Person appointed a Deputy Lieutenant or an Officer is possessed or entitled, at Law or in Equity, in possession, for his own Benefit, for his own Life, or the Life of another, or some greater Estate or Interest, shall be deemed equivalent to an Estate in Land or Heritages of a yearly Value of the same Amount with such yearly Income; and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly.

Property Qualifications not required in certain Cases.
42 G. 3. c. 90. s. 14.; see also s. 73.
17 & 18 Vict. c. 105. s. 31.
18 & 19 Vict. c. 1. s. 14.
18 & 19 Vict. c. 100. s. 3.
The Enactments as to Qualifications of Officers of the Militia prior to 18 & 19 Vict. c. 100. seem virtually repealed by that Act, and are here so treated, except as to Peers and their Heirs Apparent, which Enactments, it is assumed, could not have been intended to be repealed, and except s. 14. of 18 & 19 Vict. c. 1., which has been regarded in practice as in force.

16. No Property Qualification shall be required in any of the Cases herein-after mentioned; that is to say,—

where any Peer of the Realm or Heir Apparent of such Peer is appointed a Deputy Lieutenant or an Officer of the Militia of the County within which he has a Place of Residence;

where, any Person, being a Commissioned Officer in any of Her Majesty's other Forces, and having served Five Years in such Forces (Service in the late Forces of the East India Company to be reckoned as Service in Her Majesty's Forces), or any Person having served as a Subaltern in the Militia for Five consecutive Years next preceding his Appointment to the Rank of Captain, is appointed a Captain of the Militia;

where any Person holding or having held the Rank of Captain or any higher Rank in any of Her Majesty's other Forces or in the late Forces of the East India Company is appointed a Captain or Major of the Militia;

where any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces is appointed a Lieutenant Colonel or Colonel of the Militia;

where any Person having been qualified to receive and having received a Commission of Major or Lieutenant Colonel in the Militia is appointed an Officer of higher Rank in the Militia;

or where an Adjutant in the Militia is appointed to serve with the Rank of Captain.

Qualification to be delivered to Clerk of the Peace.
42 G. 3. c. 90. ss. 12, 14.
18 & 19 Vict. c. 100. s. 4.

17. No Person, not being qualified under this Act as a Peer of the Realm or Heir Apparent of such Peer, shall be appointed to act as a Deputy Lieutenant, or to a higher Rank in the Militia than that of Lieutenant, until he has delivered to the Clerk of the Peace of the County for which he is appointed a specific Description in Writing, signed by himself, of his Qualification, stating, where the same consists wholly or partially of an Estate in Land or Heritages, the Parish or Parishes in which the Land or Heritages forming his Qualification is or are situate;

18 & 19 Vict. c. 100. s. 4.

and no Commission to be granted for any such higher Rank as aforesaid in the Militia shall be valid unless it be declared in the Commission that the Officer to whom it is given has delivered in the Description of his Qualification as above directed.

Clerk of the Peace to send Copies of Qualifications to Lieutenant, and enter same on a Roll, and insert in Gazette Dates of Commissions, &c.
42 G. 3. c. 90. s. 13.

18. The Clerk of the Peace of every County shall send to the Lieutenant of the County a Copy of every Description of a Qualification delivered to him as herein required, and shall enter every such Description on a Roll to be kept for that Purpose; and shall cause to be inserted in the London Gazette the Dates of the Commissions, and the Names and Ranks of the Officers, together with the Names of the Officers in whose Room they are respectively appointed, in like Manner as Commissions in the Army are published from the War Office; and he is hereby authorized to charge the Expense of the Insertion in the Gazette to the Treasurer of the County, who shall pay the same.

Returns to Secretary of State and Parliament.
42 G. 3. c. 90. s. 13.

19. The Clerk of the Peace shall in the Month of January in every Year send to the Secretary of State a complete Account of the several Descriptions of Qualifications delivered to him, and the Secretary of State receiving such Account shall cause Copies thereof to be laid before both Houses of Parliament.

Oath to be taken by Deputy Lieutenant and Officers.
42 G. 3. c. 90. s. 13.
21 & 22 Vict. c. 48.
10 G. 4. c. 7.

20. Every Deputy Lieutenant and Commissioned Officer shall, at some Quarter Sessions, or in One of Her Majesty's Courts of Record at Westminster, within Six Months after he has accepted his Commission, take and subscribe the Oath appointed to be taken by the Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Forty-eight, or (if he profess the Roman Catholic Religion) the Oath appointed by the Act of the Tenth Year of King George the Fourth, Chapter Seven; and the like Oath shall be taken, in like Manner, within Six Months after the passing of this Act, by every Deputy Lieutenant and Commissioned Officer appointed before the passing of this Act who has not previously taken the same, or the Oaths of Allegiance, Supremacy, and Abjuration.

Penalty for acting as Deputy Lieutenant, &c., without

21. If any Person act as Deputy Lieutenant, Colonel, Lieutenant Colonel, or Major, not being duly qualified, or not having delivered in the Description of his Qualification as herein required, he shall forfeit the Sum of Two hundred Pounds;

and if any Person act as Captain, not being duly qualified, or not having delivered in such Description of his Qualification as aforesaid, he shall forfeit the Sum of One hundred Pounds;

One Moiety of each such Penalty to be paid to any Person who may sue for the same;

and in any legal Proceeding for Recovery thereof the Proof of Qualification shall lie on the Defendant.

being qualified, &c.
42 G.3. c.90. s. 14.

22. Where any Person has acted as a Deputy Lieutenant or Officer of the Militia without being duly qualified, or without having delivered in the Description of his Qualification as required by this Act, the Acts of such Person done in his Office shall be as valid as if he had been duly qualified, and had duly delivered in such Description.

Acts of Persons not qualified to be valid.

This Clause is new as applied to the Militia, but is not new in Principle.

23. Whenever Her Majesty may think fit to signify Her Pleasure to the Lieutenant of any County that all or any of the Deputy Lieutenants or Officers of the Militia thereof be displaced, such Lieutenant shall forthwith displace such Deputy Lieutenants or Officers, and appoint others in their Stead, subject to the Provisions of this Act.

Displacement of Deputy Lieutenants and Officers.
42 G.3. c.90. s. 17.

24. No Commission granted by any Lieutenant, Vice-Lieutenant, or Deputy Lieutenants shall be vacated by the Revocation, Expiration, or Discontinuance of the Commission or Appointment of such Lieutenant, or Vice-Lieutenant, or of such Deputy Lieutenants, or any of them.

Commissions not to be vacated by Revocation of Appointment of Grantor.
42 G.3. c. 90. s. 4.

25. Her Majesty may appoint One proper Person, who has served for Five Years in some of Her Majesty's other Forces, or in the Militia of the United Kingdom while embodied, (Service in the late Forces of the East India Company to be reckoned as Service in Her Majesty's Forces,) to be an Adjutant to each Regiment;

and every such Adjutant shall, during his Service as such Adjutant, preserve his Rank in the Army or Militia, in the same Manner as if he had continued to serve in such Rank;

and the Lieutenant of any County, on the Recommendation of the Commanding Officer of the Regiment, may appoint such Adjutant to serve with the Rank of Captain, as herein-after mentioned; that is to say,—

where before his Appointment as Adjutant he was a Commissioned Officer he may be appointed to serve with the Rank of Captain immediately upon or at any Time after his Appointment as Adjutant;

Her Majesty to appoint Adjutants from the Army or Militia, who shall preserve their Rank, and in certain Cases may be appointed to the Rank of Captain.
42 G.3. c. 90. s. 77.
22 & 23 Vict. c. 38. s. 6. with Alteration; and see Militia Pay Act, 1867, s. 22.

in any other Case he may be appointed to serve with such Rank after he has served Five Years as Adjutant in the Militia.

Rank of Adjutants. *42 G.3. c. 90. s. 77.*

26. Provided always, that no such Appointment of an Adjutant to the Rank of Captain shall be valid unless in the Instrument granting the same it be specified,—

in the Case of any such Adjutant who has been a Commissioned Officer, in what Regiment of Her Majesty's other Forces, or of the Militia while embodied, he has served;

and in the Case of any other Adjutant, for what Period not less than Five Years he has served as Adjutant in the Militia;

and in every Case what was or were the Date or Dates of his Commission or Commissions:

Provided also, that no Adjutant so appointed to serve with the Rank of Captain shall be entitled to rank above any Captain, or to command any Company in the Militia, or to receive by reason of any such Appointment as aforesaid any greater or other Pay than that of Adjutant.

Appointment of Surgeons. *42 G. 3. c. 90. s. 78., 17 & 18 Vict. c. 105. s. 56.; but see now 21 & 22 Vict. c. 90. ss. 34, 90.*

27. It shall be lawful for the Lieutenant of the County, with the Approbation of Her Majesty, to appoint from Time to Time a duly qualified Surgeon, duly registered as such under "The Medical Act," to be Surgeon of each Regiment; and every such Appointment shall state the Nature of the Qualification of the Person so appointed, and an attested Copy thereof shall be sent to and filed with the Clerk of the Peace;

and every such Surgeon shall, during the Time the Militia to which he belongs is embodied, be subject to the like Rules, Restrictions, and Directions in every respect as a Surgeon of Infantry in Her Majesty's other Forces, as far as the same may be applicable;

and no Person while holding the Appointment of Surgeon shall be capable of holding any other Commission in the Militia.

Appointment, &c. of Members of Permanent Staff, &c. *15 & 16 Vict. c. 50. s. 6., 42 G. 3. c. 90. ss. 79. 80, 83, 84. 51 G. 3. c. 118. s. 3. Militia Pay Act, 1867, s. 5.*

28. Save as herein otherwise provided, it shall be lawful for Her Majesty to appoint from Time to Time such Persons as to Her Majesty may seem proper to be Commissioned Officers of the Permanent Staff;

and it shall be lawful for the Commanding Officer of every Regiment from Time to Time to appoint, subject to any Regulations to be made by the Secretary of State, and at pleasure to discharge, all the other Members of the Permanent Staff, and all Non-commissioned Officers not Members of such Staff:

Every Member of the Permanent Staff appointed by the Commanding Officer under this Enactment shall take the like Oath as Private Militiamen are required to take on Enrolment, but substituting for the Words after "Defence of the same," the Words "until I shall be legally discharged," and shall take such Oath before any Person authorized to administer to a Private Militiaman the Oath required to be taken by him.

29. No Adjutant, Paymaster, Regimental or Battalion Clerk, or Quartermaster shall be capable of being appointed Captain of a Company, and no Person holding the Commission of Captain of a Company shall be capable of being appointed Adjutant, Paymaster, Regimental or Battalion Clerk, or Quartermaster.

Adjutant, &c. not to be appointed Captain of a Company, and vice versâ.

"Surgeon" is in 42 G. 3. c. 90. s. 81., but seems unnecessary, as he is prohibited from holding any other Commission.

42 G. 3. c. 90. s. 81.

30. The Lieutenant of any County or the Commanding Officer may, at his own Expense, at any Time keep up an additional Number of Drummers for the Use of any Regiment, and such additional Drummers shall be deemed Drummers within the Meaning of this Act, and shall be subject to the same Orders, Regulations, Penalties, and Punishments as other Drummers, and shall continue to serve as Drummers so long as they receive from the Lieutenant or Commanding Officer by whom they were appointed the same Pay and Clothing as other Drummers, or better Clothing in lieu thereof, and no longer.

Extra Musicians may be kept at the Expense of the Colonel, &c.
42 G. 3. c. 90. s. 85.

31. No Person who keeps any House of public Entertainment, or sells any Ale, or Wine, or Brandy, or other Spirituous Liquors, by Retail, shall be capable of being appointed or of serving or receiving Pay as a Member of the Permanent Staff, or as a Non-commissioned Officer not on such Staff.

Persons disqualified for Permanent Staff, &c.
42 G. 3. c. 90. s. 83.

32. Every Officer who accepts a Commission or Appointment of the same Rank in any other Regiment, thereby vacating his former Commission, shall continue to rank in the General Service according to the Date of his Commission or Appointment so vacated.

Rank of Officers accepting Commissions in other Regiments.
42 G. 3. c. 90. s. 75.

33. No Officer entitled to Half Pay or Soldier receiving Pension shall forfeit such Half Pay or Pension during the Time he serves in the Militia.

Half Pay and Pensions preserved.
42 G. 3. c. 90. ss. 82. 86.
55 G. 3. c. 65. s. 2.
15 & 16 Vict. c. 50. s. 5.
Militia Pay Act, 1867, s. 15.

Vacancy in Office or Absence of Commanding Officer.

County Lieutenants may act as Commanding Officers of Regiments during Vacancies.
42 G. 3. c. 90. s. 72. altered.

34. Whenever any Regiment is without a Commanding Officer the Lieutenant of the County, or, in the Case of united Militia of Two or more Counties, the Lieutenant who would be entitled to appoint the Commanding Officer, may act as the Commanding Officer of such Regiment, and shall have while so acting the Rank of Colonel:

But no such Lieutenant shall act as Commanding Officer of more than One Regiment at the same Time, or be entitled to greater Pay than the proper Commanding Officer of the Regiment would be entitled to.

Where Commanding Officer is absent Officer next in Rank to act for him.
42 G. 3. c. 90. s. 76. altered.

35. When the Commanding Officer of any Regiment is absent from the United Kingdom, the Officer next in Rank who is not so absent shall, until the Commanding Officer has notified his Return to him, and to the Adjutant, and also to the Clerk of the Peace of the County, act as the Commanding Officer of such Regiment, in like Manner and with the like Powers, Duties, and Obligations as where the like Cases happen in Her Majesty's Army;

and any Commanding Officer shall, before leaving the Command, notify his intended Absence, and any Officer assuming the Command shall forthwith notify the Absence of the Commanding Officer to the Lieutenant of the County, and also, when the Regiment is in actual Service, to the Secretary of State for War.

Clerks of General Meetings.

Appointment of Clerks of General Meetings.
42 G. 3. c. 90. s. 18.

36. The Lieutenant of every County shall from Time to Time appoint a Clerk of General Meetings, and may displace such Clerk, if he think fit, and appoint another in his Room.

Residence, Employment, &c. of Permanent Staff; and Custody of Arms, &c.

Members of the Permanent Staff where to reside.
Militia Pay Act, 1867, s. 2. altered. See also 42 G. 3. c. 90. s. 107.

37. Except when employed as herein-after provided, every Member of the Permanent Staff, when disembodied, shall reside in such Places as may be sanctioned by the Secretary of State;

and every such Member who absents himself from any Place at which he is required to reside under this Enactment, without Leave of the Commanding Officer of his Regiment, shall forfeit his Pay for any Period during which he so absents himself, and be deemed a Deserter;

no such Leave shall, except in case of certified Sickness, extend beyond Three Months in One Year, or to a greater Proportion than One Third of the Non-commissioned Officers and Men at the same Time.

Employment of Permanent Staff.
Militia Pay Act, 1867, s. 3.

38. While disembodied, every Member of the Permanent Staff shall, when not called out for Training or Exercise, be liable to be employed within the County to which the Regiment belongs, under the Officers appointed to pay and superintend the Out-Pensioners of Chelsea Hospital, in such Manner as the Secretary of State may determine; and the Senior Officer shall have the Command of the Force so employed.

Provision for Custody of Arms and Clothing while Militia disembodied.
42 G. 3. c. 90. s. 106., 23 & 24 Vict. c. 94. s. 1. Militia Pay Act, 1867, s. 4.

39. While any Regiment is disembodied, the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, shall be kept in such convenient Place as the Commanding Officer, with the Approval of the Lieutenant of the County, may direct, and the Quartermaster of such Regiment if there be a Quartermaster appointed, and when there is no such Quartermaster, then the Adjutant of the Regiment, shall have the Charge and Care of such Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores, under the Superintendence of the Commanding Officer:

Provided always, that where the Militia or Portions of the Militia of Two or more Counties are, by Order of Her Majesty signed by the Secretary of State, directed to be united, Her Majesty may by the same or like Order, from Time to Time, direct in which of such Counties the Arms, Accoutrements, and other Stores belonging to the United Corps shall be kept:

Provided also, that the Secretary of State may direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, shall, at any Time while such Regiment is disembodied, be conveyed to and deposited and kept in any of Her Majesty's War Office Stores.

The existing Provision concerning Arms, &c. of United Corps applies only to United Corps of Artillery.

Command of Permanent Staff.
42 G. 3. c. 90. s. 107. in part. Militia Pay Act, 1867, s. 6.;

40. While any Regiment is disembodied, the Adjutant of such Regiment shall have the Command of the other Members of the Permanent Staff; and in the occasional and unavoidable Absence of the Adjutant from the Place where the Permanent Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Permanent Staff shall be under the Command of the Quartermaster in Cases in which one is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant appointed by the Adjutant, with the Approbation of the Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or Acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Members of Permanent Staff offending in certain Cases, how to be dealt with.
17 & 18 Vict. c. 105. s. 33. part, extended to any Member of the Permanent Staff, and otherwise altered.

41. If any Member of the Permanent Staff absent himself without Leave for a Time not exceeding Twenty-one Days, and do not account for such Absence to the Satisfaction of his Commanding Officer, or be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any other Punishment which he is authorized to award, order that the Offender be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, or with or without Solitary Confinement, as such Commanding Officer may think fit, and such Offender shall forfeit his Pay for the Day or Days of such Imprisonment, in addition to any Forfeiture of Pay to which he may be subject independently of this Enactment:

Provided that any such Offender so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, be entitled to be tried by a Court-martial for his Offence, instead of submitting to Punishment under this Provision.

Discharge for Misconduct, of a Member of the Permanent Staff formerly in the Army, how to be certified.
17 & 18 Vict. c. 105. s. 33. extended.

42. If any Person who has served in Her Majesty's other Forces, and has afterwards been attested to the Permanent Staff of the Militia, be discharged therefrom for Misconduct, the Cause of his Discharge shall be certified by the Commanding Officer of his Regiment on the Back of the Certificate of his Discharge from Her Majesty's other Forces, and a Copy of the Certificate of such Commanding Officer shall be forwarded to the Adjutant General of Her Majesty's Forces and the Secretary of State for War.

Power to Secretary of State to make Regulations.

Secretary of State may make Regulations.
15 & 16 Vict. c. 50. ss. 1.13.

43. It shall be lawful for the Secretary of State from Time to Time to make Regulations,—

limiting the Ages at which Persons may be appointed Officers of the several Ranks in the Militia, and for securing the

Appointment of Persons as such Officers who are qualified to discharge the Duties of Officers of their respective Ranks, and also for that Purpose to prescribe (by such Regulations) any Conditions as to Drill, Training, and Exercise, or otherwise, under or subject to which any such Appointment shall be made.

as to the Amount of the Sums to be paid to Volunteers by way of Bounty or periodical Payment or Allowance in consideration of their enlisting in the Militia;

as to the Time or respective Times, Conditions, and Manner of the Payment thereof;

as to the Ages between which Men may be received as Volunteers, and as to the Height of Men to be received as Volunteers;

for the Examination and Approval by Medical Men of all Men to be raised for the Militia under this Act, whether as Volunteers or otherwise;

as to Returns which it may appear to him desirable to require to be made to him or otherwise, by Officers and Non-commissioned Officers, Clerks of General Meetings, and Clerks of Subdivisions, and any Books of Enrolment or other Books to be kept by them respectively, for the more easy or effectual carrying into execution of any of the Purposes of this Act;

for and in relation to the Appointment of Agents to Regiments whem embodied, and concerning the Duties of such Agents;

and as to all other Matters which, under the Provisions herein contained, are made subject to Regulations to be made by the Secretary of State.

The Maximum of Bounty, &c. specified in the existing Act is advisedly omitted.

The Enactment in 15 & 16 Vict. c. 50. enabled the Secretary of State to fix the Height of all Men to be raised for the Militia; this, as regards balloted Men, seems virtually repealed by 23 & 24 Vict. c. 120, see s. 16, which limits the Height of balloted Men to not less than 5 Feet 2 Inches.

The Matters provided for by the Two Paragraphs preceding the last are the Subject of detailed Enactments in the existing Acts.

Regulations to be laid before Parliament.
15 & 16 Vict. c. 50. s. 14.

44. All Regulations made under this Act shall be laid before both Houses of Parliament within Twenty-one Days next after the making thereof, if Parliament be then sitting, or if Parliament be not sitting, then within Twenty-one Days after the next meeting of Parliament.

Raising Militia by Voluntary Enlistment.

Volunteers to be raised for supplying the Places of Men whose Time is about to expire, and for supplying Vacancies by Death, &c.
15 & 16 Vict. c. 50. s. 15.

45. For the Purpose of keeping up the Number of Private Militiamen required to be raised and kept up under this Act the Commanding Officers of the several Regiments shall from Time to Time, and so long before the Expiration of the respective Terms of Service of the Militiamen belonging to their respective Regiments as may be directed by Regulations to be made under this Act, raise and enrol or cause to be raised and enrolled Volunteers to supply the Places of such Militiamen;

and such Commanding Officers shall from Time to Time, subject to such Regulations, raise and enrol or cause to be raised and enrolled Volunteers for supplying casual Vacancies by reason of Militiamen dying before the Expiration of their Term of Service, or being promoted to be Non-commissioned Officers or Drummers (except where they are so promoted in the Room of Non-commissioned Officers or Drummers reduced to the Ranks), or being discharged as unfit for Service, or in pursuance of the Sentence of a Court-martial, or having deserted; such Volunteers being Men resident in the County for which they are raised, or in any County immediately adjoining thereto, and being able-bodied Men between the Ages and of the Height fixed by such Regulations, and to receive such Bounties or other Payments as may be authorized by such Regulations.

The Number not raised by Enlistment in any County may be authorized to be raised by Enlistment in and for another County.
15 & 16 Vict. c. 50. s. 12.

46. Provided always, that where the Number of Men for the Time being required to be raised under this Act for any County has not been raised by voluntary Enlistment, it shall be lawful for Her Majesty, if it appear to Her advisable so to do, by Order signed by the Secretary of State, to authorize and direct all or any Part of such Number of Men as is deficient to be raised by voluntary Enlistment in and for any County in which the full Quota may have been raised and kept up; but no Ballot shall be had in such County for keeping up any greater Number of Militiamen therein than would have been required to be kept up in case such Order had not been made.

Volunteers to be sworn, &c. and enrolled.
43 G. 3. c. 50. s. 9.
51 G. 3. c. 118. s. 2.
15 & 16 Vict. c. 50. s. 16.
23 & 24 Vict. c. 94. s. 13. altered.

47. Every Volunteer so raised as aforesaid shall, when he has been examined and approved according to such Regulations, take the following Oath, inserting therein the Name of the Sovereign for the Time being; that is to say,—

'I *A.B.* do sincerely promise and swear, That I will be faithful
' and bear true Allegiance to Her Majesty Queen Victoria, and
' that I will faithfully serve in the Militia in any Part of the
' United

'United Kingdom for the Defence of the same during the Term
'of Five Years for which I am enrolled, unless I shall be sooner
'discharged;'

and shall also make a Declaration in the Form in Schedule (B.) to this Act, or to the like Effect, or in such other Form as may be directed by any Regulations made under this Act;

which Oath may be administered and such Declaration taken by any Justice or Deputy Lieutenant for the County in which such Volunteer is raised, or in which the Regiment for which he is raised may be at the Time of his joining the same, or by any Justice for any County or Borough where such Volunteer may happen to be;

and such Justice or Deputy Lieutenant shall, before administering such Oath or taking such Declaration, ask the Volunteer the necessary Questions to enable such Justice or Lieutenant properly to fill up such Declaration;

and every such Volunteer shall be enrolled in a Roll, to be prepared and kept by or under the Direction of the Commanding Officer, to serve in the Militia for the County for which he is raised, as a Militiaman, for Five Years.

List of Volunteers to be sent to Clerk of General Meetings.
15 & 16 Vict. c. 50. s. 17.

48. The said Commanding Officers shall keep or cause to be kept true and regular Entries of the Names, Additions, and Places of Residence of the Persons enrolled as aforesaid, and shall, within such Time as may be directed by the Lieutenant of the County in that Behalf, send Copies of such Entries, certified by them respectively, to the Clerk of General Meetings of the County for which such Men have been enrolled.

Deputy Lieutenants to aid in raising Volunteers for the Militia.
17 & 18 Vict. c. 105. s. 36.

49. The Deputy Lieutenants of Counties shall severally aid the Commanding Officers of Regiments in raising and enrolling Volunteers for the Militia of their respective Counties in the several Parishes where such Deputy Lieutenants may be resident, and otherwise as the Lieutenants of such Counties may from Time to Time direct; but no General or Subdivision Meeting shall be holden for that Purpose, unless such Meeting be convened pursuant to any special Order made in this Behalf by the Secretary of State.

Provision for raising, &c. additional Men in case of Increase of Number by Proclamation.
15 & 16 Vict. c. 50. s. 30.

50. In case Her Majesty exercise the Power herein contained of increasing by Proclamation the Number of Private Militiamen to be raised hereunder, the Provisions of this Act shall forthwith become applicable for raising and enrolling such additional Men as may be required, at the Time or Times specified for that

Purpose in the Proclamation, as in the Case of Men required to be raised for keeping up the Number fixed hereby; and all other Provisions herein contained, so far as the same are applicable, shall be applicable to and in respect of the additional Men so required to be raised.

Raising Militia by Ballot.

General Meetings of Lieutenancy may alter the existing Subdivisions.
23 & 24 Vict. c. 120. s. 1.

51. The Lieutenant of each County shall, when required or authorized so to do by the Secretary of State, summon a General Meeting of the Lieutenancy of such County; and such Lieutenant, together with Three or more Deputy Lieutenants, may at such General Meeting, or at an Adjournment thereof, alter all or any of the appointed Subdivisions within such County, or constitute new Subdivisions therein, in such Manner as may appear to them convenient for the Execution of this Act, and the Lieutenant shall report the Result of every such Meeting, and the Description of the Subdivisions of such County, whether altered or constituted at such Meeting, or otherwise, to the Secretary of State.

Altered so as to be converted into a standing or permanent Enactment. The Words giving Power to Five Deputy Lieutenants when the Office of Lieutenant is vacant or he is absent are omitted.

Part of one County may by Order in Council be attached to another.
15 & 16 Vict. c 50. s. 10. modified.

52. Her Majesty, with the Advice of the Privy Council, in case it appear to Her expedient so to do, may declare that any Portion of a County shall, for the Purposes of this Act, form Part of an adjoining County and Part of any Subdivision of such last-mentioned County; and from and after such Time as may be mentioned in the Order in Council such Portion shall for all the Purposes of this Act form Part of such County and of some Subdivision thereof accordingly.

Quotas of Subdivisions to be fixed by Orders in Council.
23 & 24 Vict. c. 120. s. 2.

53. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, after the General Meetings of Lieutenancy hereinbefore directed to be holden, and afterwards from Time to Time as Occasion may appear to Her Majesty to require, to ascertain and fix the Number of Militiamen who shall, until other Quotas are fixed in liked Manner, serve for each Subdivision of every County, and the Numbers so fixed as aforesaid shall be transmitted to the respective Lieutenants of the said Counties from Time to Time, and Notice of the same shall be published in the London Gazette, and the Numbers so from Time to Time appointed by Her Majesty shall be the Quotas of the several Subdivisions until other Quotas are appointed in like Manner.

54. The Secretary of State shall, at such Time as he may think fit, previously to the Month of September in every Year, apportion between or among the Subdivisions in each County, according to the Quotas for the Time being fixed for such Subdivisions, the Number of Men required to be raised, in addition to those then serving, to make up the full Quota for each County, and certify or cause to be certified to the Clerk of General Meetings the Number of Men which pursuant to such Apportionment is to be raised by Ballot in the respective Subdivisions, and to the Clerk of each Subdivision for which there is a Clerk the Number of Men to be so raised in the same Subdivision.

Secretary of State to apportion Deficiency among Subdivisions, and certify Numbers to be raised. *23 & 24 Vict. c. 120. s. 3. altered.*

55. In apportioning the Number of Men required to be raised between or among the several Subdivisions as aforesaid, regard shall be had to the Number of Private Men for the Time being serving in the Militia of the County who at the Time of their being enrolled were resident in any such Subdivision, and Credit shall be given to each Subdivision for the Private Men actually serving as aforesaid who at the Time of being enrolled were resident therein, and if the Number of Private Men actually serving as aforesaid who at the Time of being enrolled were resident in any Subdivision amount to or exceed the full Number of Men which, upon an Apportionment among Subdivisions of the full Number of the Militia of the County, such Subdivision ought to furnish, the Men required to be raised to make up any Deficiency of the whole County shall be apportioned among the other Subdivisions, to the Exemption of every Subdivision from which such full Number of Men has been enrolled.

Regard to be had in Apportionment among Subdivisions to the Number of Men actually serving who when enrolled were resident in each Subdivision. *23 & 24 Vict. c. 120. s. 4. part,—the Residue of that Enactment providing for Apportionment among Parishes, is inserted in a later Clause.*

56. The Lieutenant of every County shall, at or after the General Meeting of Lieutenancy herein-before directed to be holden, appoint the Places at which Subdivision Meetings of Lieutenancy shall be holden for the several Subdivisions within such County, and may from Time to Time alter the same as he may see Occasion, and shall cause Notice to be given, by Advertisement in One or more Newspaper or Newspapers circulating in such County, of the Places so fixed, and of the Alterations from Time to Time made as aforesaid.

Lieutenant to appoint Places for holding Subdivision Meetings. *23 & 24 Vict. c. 120. s. 5.*

57. In case it appear to Her Majesty at any Time that the full Number of Men for the Time being required to be raised under this Act for any County cannot be raised in manner herein-before provided,

In what Cases Men may be ordered to be raised by Ballot.

15 & 16 Vict. c. 50. s. 18. 23 & 24 Vict. c. 120. ss. 27, 28. altered. The existing Law does not provide for the Second Case here mentioned, viz. a State of War existing.

or whenever a State of War exists between Her Majesty and any Foreign Power,

or in any Case of actual Invasion or imminent Danger thereof,

it shall be lawful for Her Majesty, with the Advice of Her Privy Council, if it appear to Her advisable so to do, to order that the Number of Men required to be raised shall be raised by Ballot as herein provided, and for that Purpose to direct that the Provisions herein-after contained for holding General and Subdivision Meetings, and concerning Proceedings relating to procuring Returns, and preparing and making out Lists for the Purpose of a Ballot, and relating to balloting for and enrolling of Militiamen, or in anywise auxiliary to, connected with, or consequent upon any such Proceedings, shall forthwith come into operation, and if, in order to expedite the raising of such Number of Men as last aforesaid, it appear to Her Majesty expedient so to do, to direct that any Meetings or Acts hereby directed to be holden or done on any specified Days, or within limited Times after specified Days, shall be holden and done on or within the like Times after other Days to be mentioned in the Order in Council;

and all the Provisions herein-after contained in relation to the Matters aforesaid shall upon the making of such Order become and be in full Force, and be carried into execution accordingly by all Lieutenants, Deputy Lieutenants, Overseers, and all other Persons at the Time or Times specified in such Order, agreeably to the Exigency thereof, and subject to the Penalties by this Act imposed, and as if the respective Days and Times specified in such Order had been fixed in this Act.

Power to suspend Order in Council for a Ballot, and revoke any Order of Suspension. *This Clause is new.*

58. It shall be lawful for Her Majesty, if it appear to Her advisable so to do, at any Time after the making under this Act of any Order in Council for raising Men by Ballot, to direct that the Operation of such Order be suspended wholly or in part, and subject to any Qualification or Limitation which to Her Majesty may seem fit; and thereupon all the Provisions herein contained in relation to the Ballot shall be suspended according to the Intent of the Order in Council in this Behalf;

and it shall be lawful for Her Majesty, with such Advice as aforesaid, at any Time thereafter, to revoke any Order in Council made under this Enactment, and to give such Directions as to Her may seem necessary or expedient for reviving the Operation of any Order for raising Men by Ballot, and giving full Effect to the Objects thereof; and thereupon all the Provisions herein contained in relation to the Ballot shall take effect according to the Intent of the Order in Council in this Behalf.

59. General Meetings of the Lieutenancy of every County shall be holden in some principal Town of the County,

Regulations for holding General Meetings of Lieutenancy. *42 G. 3. c. 90. s. 21.*

which General Meetings shall consist of the Lieutenant, together with Two Deputy Lieutenants at least, or on the Death or Removal or in the Absence of the Lieutenant, then of Three Deputy Lieutenants at least;

and One such General Meeting shall be holden within every County yearly, upon the Tuesday next before the Tenth Day of October, or earlier if Occasion require; and the Lieutenant, together with Two Deputy Lieutenants, or, on the Death or Removal or in the Absence of the Lieutenant, any Three Deputy Lieutenants of any County, when and as often as they find necessary for carrying the Purposes of this Act fully into execution, may summon or cause to be summoned other General Meetings on any Days to be fixed by such Summons.

60. If any Annual or other General Meeting be not attended by the Lieutenant and Two Deputy Lieutenants, or by Three Deputy Lieutenants, as herein-before required, the Lieutenant or any One Deputy Lieutenant who attends at such Meeting shall adjourn the same, and fix the Time and Place of holding the adjourned Meeting; or if neither the Lieutenant nor any Deputy Lieutenant attend, then the Clerk of General Meetings, or his Deputy, shall adjourn such Meeting to any other Time, to be holden at the same Place.

Adjournment of General Meetings. *42 G. 3. c. 90. s. 21.*

61. A Subdivision Meeting of Lieutenancy shall be holden for each of the Subdivisions in every County on the First Wednesday in the Month of October in every Year, at Eleven of the Clock in the Forenoon.

As to the holding of Subdivision Meetings. *23 & 24 Vict. c. 120. s. 6.*

62. Every Subdivision Meeting shall consist of Two Deputy Lieutenants at least; and all Powers capable of being exercised at any Subdivision Meeting or within any Subdivision by Deputy Lieutenants may be exercised by any Two or more Deputy Lieutenants present at such Meeting, or, as the Case may require, by any Two or more Deputy Lieutenants within such Subdivision.

Subdivision Meetings to consist of Two Deputy Lieutenants at the least. *42 G. 3. c. 90 s. 22. altered.*

63. If at the Time and Place appointed for any Subdivision Meeting Two Deputy Lieutenants do not attend, the Clerk of such Subdivision shall appoint another Meeting to be held within Fourteen Days, of which Notice shall be given to the Deputy Lieutenants resident within the Subdivision, by such Clerk, Five Days at the least before the Time so appointed.

When Two Deputy Lieutenants, do not attend, another Meeting to be appointed by Notice from the Clerk. *42 G. 3. c. 90. s. 24.*

Clerks of Subdivisions to give Notice of Meetings to Deputy Lieutenants and Commanding Officers, and send to Colonels Lists of Men enrolled.
42 G. 3. c. 90. s. 23. altered.

64. The respective Clerks of Subdivisions shall, as soon as conveniently may be after any Subdivision Meeting other than the Meeting fixed by this Act has been appointed, give Notice of the Time of Meeting to the Deputy Lieutenants resident within such Subdivision, and also give Notice thereof to the Commanding Officer of the Regiment by Notice addressed to him as such Commanding Officer, and not by Name, at the Head Quarters of the Regiment;

and every such Notice shall specify the Object for which the Meeting is held;

and such respective Clerks shall, forthwith after the Enrolment of any Militiamen, likewise send to the Commanding Officer as aforesaid, in manner aforesaid, a List, specifying the Names, Places of Abode, and Ranks or Occupations of all such Militiamen as are enrolled, and where there are Substitutes the Names, Places of Abode, and Ranks or Occupations of the Persons in whose Room such Substitutes were enrolled.

Notices of General and Subdivision Meetings to be sent to Deputy Lieutenants by Post.
17 & 18 Vict. c. 105. s. 37.

65. Notices of the Days and Places of holding General Meetings of Lieutenancy shall be sent by the Post by the Clerk of the General Meetings to the several Deputy Lieutenants of the County Seven Days at the least before the Days appointed for holding such Meetings respectively, and any Notices of Subdivision Meetings required to be given to Deputy Lieutenants or others shall be sent by the Post by the Clerk of the Subdivision.

Clerk of the Subdivision is here substituted for the Clerk of General Meetings.

Appointment of Clerks of Subdivisions.
42 G. 3. c. 90. s. 18.

66. The Deputy Lieutenants within each Subdivision, or the Majority of those present at any Subdivision Meeting, shall from Time to Time appoint a Clerk for their Subdivision, and may, in their Discretion, displace any such Clerk.

Clerk of General Meetings to act until Clerk of Subdivision appointed.
This Clause is new.

67. Until the Appointment of a Clerk for any Subdivision, the Clerk of General Meetings for the County in which such Subdivision is situate shall by himself or his Deputy attend Meetings for such Subdivision, and perform the other Duties which under this Act ought to be performed by the Clerk of such Subdivision; but, notwithstanding this Provision, it shall be the Duty of the Deputy Lieutenants acting within each Subdivision to appoint a Clerk for the same as soon as practicable.

Secretary of State to require Clerks

68. The Secretary of State shall require and take from all Persons appointed Clerks of Subdivisions Security by Bond in such Sum as to him seems reasonable, with Two sufficient Sureties, for the due Execution of the Trusts reposed in them, and for the duly paying and accounting for, according to Law, of all Sums of Money which come to their Hands as Clerks of Subdivisions;

of Subdivisions to give Security.
53 G.3. c. 81. s. 3.

and no Appointment of any such Clerk shall be valid till such Security is given.

69. Every Person appointed and acting as Clerk of a Subdivision without having first given Security according to this Act shall, for any Time he so acts before having given such Security, forfeit the Sum of One hundred Pounds, together with the Amount of all Money paid to him as such Clerk.

Penalty for acting as Subdivision Clerk without giving Security.
53 G.3. c. 81. s. 3.

But this Enactment shall not apply to any Clerk of General Meetings acting as Clerk of a Subdivision under the Provision herein-before contained.

The Second Paragraph of this Clause is new.

70. The Overseers of every Parish shall, within Seven Days after the Second Monday in the Month of September in every Year, give or leave Notice in Writing, in the Form in Schedule (C.) to this Act, to or for the Occupier of every Dwelling House within their Parish, at such Dwelling House, or if such Dwelling House be divided into different Apartments occupied separately by several Persons, then to or for the Occupier of each separate Apartment, requiring him to prepare and produce, within Five Days next after the Day of giving such Notice, a List in Writing, to the best of his Belief, of the Christian Name and Surname of every Man dwelling therein between the Ages of Eighteen and Thirty Years, distinguishing therein every such Person claiming to be exempt from serving in the Militia, with the Ground of every such Claim;

Notices to be given to Householders.
23 & 24 Vict. c. 120. s. 7

and every such Occupier shall, after such Notice so given or left, make out such List, and sign the same with his own Name, and shall deliver the same to the Overseers, who are hereby required to collect the Returns to such Notices as aforesaid.

71. Every Occupier who neglects or refuses to make out, sign, and deliver such List as aforesaid within the Time herein-before limited, or who knowingly omits any Person who ought to have been included therein, or knowingly makes any false Return of any Particular required therein, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Householder not making due Return.
23 & 24 Vict. c. 120. s. 8.

List to be made out from Returns.
23 & 24 Vict. c. 120. s. 9.

72. The Overseers of every Parish shall, within Fourteen Days after having delivered such Notices as aforesaid, make out or cause to be made out a fair and true List in Writing, according to the Form in Schedule (D.) to this Act, of the Names of all the Men usually and at that Time dwelling within the Parish to which such List refers between the Ages of Eighteen and Thirty Years, as well of those who have not made any Return or not been returned in pursuance of such Notices as aforesaid, as of those who have made such Returns or been so returned, distinguishing their respective Ranks or Occupations, and those who have made Returns to such Notices from those who have neglected to make such Returns, (and where the true Name of any Person cannot be procured, the common Appellation of such Person shall be sufficient,) and distinguishing which of the Persons so returned labour under any known Infirmity incapacitating them from serving as Militiamen, and which of the Persons so returned claim or are known to be exempt from serving in the Militia, and on what Account, and shall cause a true Copy of every such List to be published in their Parish as in this Act directed during some One Sunday before they make the Return to the Deputy Lieutenants directed by this Act, and shall afterwards make a Return of such List as aforesaid, or a true and exact Copy thereof, to the Deputy Lieutenants of the Subdivision in which the Parish is comprised, at their Meeting to be holden on the First Wednesday in the Month of October in the same Year, at the Time appointed for holding thereof.

Sect. 23 of 15 & 16 Vict. c. 50. has been here disregarded, as it seems virtually repealed by the Repeal by s. 26 of 23 and 24 Vict. c. 120. of certain of the Enactments of 42 Geo. 3. c. 90. This, however, may not be quite clear.

Vestry or Meeting to be called in each Parish to determine as to providing Volunteers at Parish Expense.
23 & 24 Vict. c. 120. s. 10. altered.

73. The Overseers of each Parish shall, within the Time within which they are required to give or leave such Notices as aforesaid, call a Vestry or Meeting of the Inhabitants of the Parish to determine whether or not any Volunteer or Volunteers shall be provided on behalf of the Parish, and shall report the Result of such Vestry or Meeting to the Subdivision Meeting as herein-after provided;

and every Volunteer provided for a Parish under this Act shall be produced to the Deputy Lieutenants at the Subdivision Meeting appointed for the Ballot, and if of such Age and Height as required in the Case of Volunteers by the Regulations, and examined and approved, he shall be attested and enrolled as in the Case of a balloted Man, and the Number of Men to be chosen by Ballot for such Parish shall be reduced or dispensed with, as the Case may require.

How Volunteers to be provided pursuant to Resolution of Vestry or Meeting. *42 Geo. 3. c. 90. s. 42. part, altered. 23 & 24 Vict. c. 120. s. 10.*

74. Where at such Vestry or Meeting it is resolved that Volunteers shall be provided at the Expense of the Parish, the Overseers shall provide Volunteers accordingly, or use their best Endeavours so to do, and may give to every or any such Volunteer any Sum of Money, not exceeding Six Pounds each, to serve for such Parish in the Militia.

Rate for defraying Expenses. *42 G. 3. c. 90. s. 42. part, altered. 23 & 24 Vict. c. 120. s. 10.*

75. For reimbursing the Overseers such Money as they may have paid to Volunteers as aforesaid, they shall make a separate equal Pound Rate upon their Parish of such Amount in the Pound on the annual Value of the Property rateable as will, in their Judgment, having regard to all Circumstances, be sufficient to raise the required Sum of Money; and, save as herein otherwise provided, such Rate shall be levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor in their Parish, and shall be assessed upon the net annual Value of such Property, ascertained by the Rate for the Time being for the Relief of the Poor;

and the said Overseers shall, for the Purpose of levying such Rate, proceed in the same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor; and such Rate shall be allowed in the same Manner, and be subject to all the same Provisions in relation to Appeal, and to excusing Persons from Payment on account of Poverty and otherwise, as the Rate for the Relief of the Poor in the same Parish;

and the Excess, if any, which may have been levied beyond the required Sum, shall be placed to the Credit of the Parish in which the same has been levied, as if the same had been levied by a Rate for the Relief of the Poor.

Persons who have served by themselves or Substitutes not liable to the Rates.

Provided always, that no Person chosen by Ballot, who has served in the Militia, either by himself or by Substitute, according to this Act, or who is then serving by himself or by Substitute, shall be liable to pay such Rate.

The existing Enactment throws these Duties on “Churchwardens or Overseers.”

Lists to be returned to Subdivision Meetings, and Deputy Lieutenants to amend Lists, apportion Quota for the Subdivision among Parishes, and appoint

76. The said Overseers shall attend at the Meeting at which Lists are required to be returned by them under this Act, and shall verify their said Returns upon Oath, and shall at the same Meeting report to the Deputy Lieutenants the Result of the Vestry or other Meetings of their respective Parishes;

and the said Deputy Lieutenants, assembled in their respective Subdivisions, shall direct the Names of all Persons by Law exempted or incapacitated from serving in the Militia to be struck out from the several Lists, and shall direct to be inserted therein the Names of any Persons whose Names have been

Meetings for the Ballot.
23 & 24 Vict. c. 120. ss. 4. part, 11. altered.

wrongfully omitted, where the Right to be exempted, the Incapacity, or the Omission may be within the Knowledge of any of such Deputy Lieutenants, or may be made known to them by the Overseers making such Returns or otherwise;

and the Lists for all the Parishes in each Subdivision, with such Corrections, if any, as may be so made therein, shall together, for the Purpose of the Ballot under this Act, form and be the List for such Subdivision;

and at the said Meeting the Deputy Lieutenants there assembled shall ascertain and fix the Number of Militiamen, who shall until other Quotas are fixed in like Manner serve for each Parish of such Subdivision, having regard to the Number of Private Men then serving in the Militia of the County, who at the Time of their being enrolled were resident in any such Parish, and shall give Credit to each Parish for the Number of Private Men then serving as aforesaid who at the Time of being enrolled were resident therein, and if such Number amount to or exceed the full Number which, upon an Apportionment of the full Quota of the Subdivision among the Parishes therein, any Parish ought to furnish, shall apportion the Deficiency of the whole Subdivision among the other Parishes, to the Exemption of every Parish from which such full Number of Men has been enrolled, and shall thereupon appoint another Meeting to be holden not later than Seven Days thereafter for the Ballot, and shall direct the Overseers of the Parishes in such Subdivision to give such public Notice in their respective Parishes of the Time so appointed for such Meeting, and of the Purpose thereof, as to the said Deputy Lieutenants may seem fit.

Lists of Two or more Parishes may be added together, and such Parishes treated as One Parish.
42 G. 3. c. 90. s. 34.

77. It shall be lawful for the Deputy Lieutenants at their Subdivision Meetings to add together, whenever they think it necessary, any Two or more Parishes, and also to add together the Lists of such Parishes, so as to make the Choice of Militiamen by Ballot within every such Subdivision as equal and impartial as possible;

and the said Deputy Lieutenants shall proceed upon the Lists so added together, in like Manner as if they had been originally returned for One Parish, and the Officers of Parishes so added together shall act in the Execution of this Act as if they were respectively Officers of One and the same Parish; and all such Officers acting together by virtue of this Act shall hold their Meetings under this Act in the Parish first named in such Order of Deputy Lieutenants.

Penalty for inducing Overseer to

78. Every Person who, by Gratuity, Gift, or Reward, or by Threat or Promise, or otherwise, directly or indirectly endeavours to prevail on any Person not to make any Return, or to make a false Return of any List for any Place, or to omit or erase from or out of any such List the Name of any Person who ought to be returned therein, shall for every such Offence forfeit the Sum of Fifty Pounds;

make false Returns, or refusing to tell Name, &c.
23 & 24 Vict. c. 120. s. 12.

and every Person who refuses to tell his Christian Name and Surname, or who knowingly tells a false Name, pretending the same to be his true Christian Name or Surname, or who refuses to tell the Christian Name or Surname of any Man lodging or dwelling within his House or Apartment, or knowingly tells any false Name, pretending it to be the true Name of any such Person, to any Overseer who may demand the same for the Purpose of making, correcting, or verifying any Return or List required by this Act, shall forfeit the Sum of Ten Pounds.

79. The Deputy Lieutenants within any Subdivision, from Time to Time may issue their Order or Warrant under their Hands and Seals, requiring the Attendance of any Overseer, or any Constable, or other Peace Officer of any Parish within such Subdivision, at such Time and Place as in such Order or Warrant shall be expressed;

Deputy Lieutenants may require the Attendance of Overseers, Constables, &c.
23 & 24 Vict. c. 120. s. 13

and if any such Officer whose Attendance is so required refuse or neglect to appear according to such Order or Warrant, or if any Overseer refuse or neglect to perform his Duty in the Execution of this Act, or be guilty of any Fraud or wilful Partiality or gross Neglect in making any Return under this Act, the said Deputy Lieutenants shall commit the Person so offending to the Common Gaol or House of Correction for any Time not exceeding One Month, or, at their Discretion, fine such Person in any Sum not exceeding Twenty Pounds.

80. At the Subdivision Meeting appointed for the Ballot the Deputy Lieutenants there assembled, after making due Allowance for any Volunteer or Volunteers who may be produced on behalf of any Parish, and examined, approved, and sworn as herein-before provided, shall cause twice the Number of Men required to serve in the Militia for each Parish of such Subdivision to be chosen by Ballot in manner following; (that is to say,) the Names of the Persons liable to be balloted shall publicly, and in the Presence of such Magistrates, Churchwardens, and Overseers as choose to attend, be called over from the Parish List and put into the Box or Glass for balloting, and be in like Manner publicly drawn out until the Number of Men to be chosen by Ballot has been obtained;

At the Subdivision Meeting for Ballot twice the Number of Men required to be chosen by Ballot, and another Meeting appointed.
23 & 24 Vict. c. 120. s. 14. altered.

and

and the said Deputy Lieutenants shall cause the Names of the Men so drawn to be called or read over, and entered in a Book, and numbered in the Order in which they are drawn, and shall appoint another Meeting to be holden within Seven Days in the same Subdivision, and the Clerk of the Subdivision shall forthwith send Notice by the Post to every Man so chosen, addressed to him at his Place of Abode as stated in the Overseers' List, requiring him to appear at the Meeting so appointed, and specifying the Place, Day, and Hour of holding the same;

and the Overseers of each Parish within such Subdivision shall forthwith cause to be published in their Parish as in this Act directed a List, in the Form in Schedule (E.) to this Act, of the Names, Places of Abode, and Ranks or Occupations of the Men so chosen, with Notice of the Fact of their having been so chosen, and requiring them to appear at the Meeting appointed as aforesaid, and specifying the Place, Day, and Hour of holding the same, which List and Notice is herein-after referred to as the List of balloted Men.

At such Meeting Claims of Exemption to be heard. *23 & 24 Vict. c. 120. s. 15.*

81. Every Person so chosen by Ballot shall upon such Notice appear at such Meeting;

and if any Person so chosen consider that his Name ought not to have been returned or inserted in the List for his Parish from which his Name was taken, or that he is not liable to serve in the Militia, he may make his Objection at such Meeting, and the Determination thereon of any Two Deputy Lieutenants if only Two be assembled, or of the greater Number of those present if more than Two, shall be final.

Persons to serve though they remove; Persons having more than One Residence to serve where their Names first inserted. *42 G. 3. c. 90. s. 47.*

82. Every Person chosen by Ballot to serve in the Militia shall be liable to such Service, although he may have removed from the Place where his Name was inserted in the List, provided he was residing in such Place when the List was, according to this Act, prepared; and every Person liable to serve in the Militia, having more than One Place of Residence, shall serve for the County where his Name was first inserted in such List as aforesaid, and the Clerk to the Subdivision in which such List is returned shall, if such Person requires the same, grant a Certificate under his Hand that such Person's Name was inserted in such List, and specifying the Time when such List was made and returned.

Lists to be corrected, and the Number of Men required to be attested and

83. The said Deputy Lieutenants shall, after striking out the Names of Persons whose Objections are allowed, take and cause to be examined the remaining Persons chosen by Ballot as aforesaid, in the Order in which their Names are numbered, until the full Number of Men appearing to be of the Height of not less than Five Feet

enrolled.
23 & 24 Vict. c. 120. s. 16. altered.

Feet Two Inches and able and fit for Service, which is required for such Parish for the Militia, has been obtained;

and the Men taken and examined, and appearing to be of such Height and able and fit for Service, shall then and there take the Oath herein appointed to be taken by Volunteers, and make the like Declaration or such other Declaration as may be directed by any Regulations made under this Act, (the taking of which Oath and making of which Declaration are herein-after referred to as being attested,) and be enrolled (in a Roll to be prepared for that Purpose) to serve in the Militia of the County as Private Militiamen for the Term of Five Years;

and for the Purpose of any Examination as aforesaid the Secretary of State shall by Regulations provide for the Attendance at any Meeting where the Men are so examined of a duly qualified Medical Practitioner, and for the Payment of such Medical Practitioner out of such Monies as may be provided by Parliament for this Purpose, and when such full Number of Men has been obtained the remaining Men on the said List shall be discharged from all further Attendance.

Declaration to be made by Medical Practitioner.

84. Every such Medical Practitioner, before he begins any such Examination, shall make before One or more Deputy Lieutenant or Deputy Lieutenants a Declaration in the Form in Schedule (F.) to this Act or to the like Effect.

Allowance to him.
Militia Pay Act, 1867, s. 25., altered.

And every Medical Practitioner making any such Examination, shall receive for each Day's Attendance a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed:

Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Provision for Case of List of balloted Men being exhausted before the requisite Number obtained.
23 & 24 Vict. c. 120. s. 17.

85. If from Incapacity for Service, Exemption, or other Cause the List of balloted Men be exhausted before the full Number of Men required to be furnished for any Parish has been obtained, the Deputy Lieutenants shall, at the Meeting at which such List is found to be exhausted, or at any subsequent Meeting to be appointed for the Purpose, cause twice the Number deficient to be chosen by Ballot, and a Supplemental List of balloted Men to be formed in manner herein provided with respect to the choosing of Men for and the Formation of the original List of balloted Men, and shall, at a subsequent Meeting to be appointed for this Purpose, after the like Notices have been given and Lists published as required in the Case of the first choosing of Men, provide for such Deficiency out of the Men so chosen in like Manner as in the Case of such original List.

Supply of Vacancies happening between the annual Ballots.
23 & 24 Vict. c. 120. s. 18. altered.

86. Where after the Number of Men required has been raised by Ballot, Vacancies happen by Death, Discharge, or otherwise among the Militiamen so raised in any Parish, or among the Number of Militiamen otherwise raised for which Credit has been given to such Parish in fixing the Number to be raised by Ballot therein, and the Secretary of State thinks it requisite that such Vacancies, hereinafter referred to as casual Vacancies, should be supplied by Ballot before the Time of the next annual Ballot, a Subdivision Meeting shall be held in the Subdivision in which such Parish is situate, at such Time as may be appointed by such Secretary of State and certified to the Clerk of the Subdivision for this Purpose;

and the Deputy Lieutenants shall at any such Meeting, or at any subsequent Meeting, cause twice the Number of Men required to supply the Vacancies to be chosen by Ballot, and a Supplemental or further Supplemental List of balloted Men to be formed in manner provided with respect to the choosing of Men for and the Formation of the original List of balloted Men at the annual Ballot, and shall at a subsequent Meeting to be appointed for this Purpose, after the like Notices have been given and List published as required under the Enactment herein-before contained in the Case of the Men on such original List at the annual Ballot, supply out of such Supplemental or further Supplemental List the said Vacancies in like Manner as directed for providing the Men required for the Parish out of such original List.

Balloted Man may produce a Substitute.
23 & 24 Vict. c. 120. s. 20. altered.

87. Any balloted Man who becomes liable to serve in the Militia may, at the Meeting at which it appears that he is so liable to serve, produce for his Substitute a Man of such Age and Height as by the Regulations of the Secretary of State may be required in the Case of Volunteers raised for the Militia, and of the same County as such balloted Man, and who has not been drawn by Ballot in the same or any other Subdivision, and such Man, if on Examination appearing able and fit to serve, shall be accepted as such Substitute, and attested and enrolled as in the Case of a balloted Man.

Consequences of not appearing and being attested.
23 & 24 Vict. c. 120. s. 21. altered.

92. If any Person chosen by Ballot under this Act (not being a Quaker) refuse or neglect to appear at any Subdivision Meeting in pursuance of any Notice given under this Act, and he become liable in the Rotation herein-before prescribed to be taken and examined as herein-before provided, or if any Person so taken and examined refuse to take the said Oath or make the required Declaration and serve in the Militia, or to provide such Substitute as herein-before mentioned, who is accepted, attested, and enrolled as aforesaid, every such Person shall forfeit any Sum not less than Forty Shillings and not exceeding Ten Pounds, and at the Expiration of Five Years be again liable to serve or provide a Substitute; and in default of Payment of such Penalty, or for Want of sufficient Effects whereon to levy the same, the Name of such Person shall be entered on the Roll, and he shall be delivered over to some proper Officer of the Regiment for which he was balloted, and be compelled (if found fit for Service) to serve for Five Years from the Time of his being apprehended, and be subject to the same Punishment for afterwards absconding or deserting as he would have been subject to in case he had been then sworn and enrolled in the ordinary Course.

Penalties under last preceding Enactment to be applied in providing Substitutes.

89. All pecuniary Penalties incurred under the Enactment lastly herein-before contained shall be applied by any Two or more Deputy Lieutenants, within their respective Subdivisions, in providing Substitutes for the Persons who have paid such Penalties, or on whose Effects the same have been levied, which Substitutes shall be examined, approved, and sworn and enrolled to serve as in the Case of balloted Men;

Surplus to be a Part of Regimental Stock.

and if any Surplus remain, the same shall be paid to the Commanding Officers of the respective Regiments in which such Persons ought to have served as Militiamen, and be applied as Part of the Regimental Stock;

Return of such Penalties to Clerk of General Meetings.

and a Return of the Amount of such Penalties, with the Names of the Persons paying the same, or on whose Effects the same have been levied, shall be transmitted by the Clerks of the Subdivisions to the Clerk of General Meetings.

42 G. 3. c. 90. s. 66. altered.

Consequences of Refusal to be examined.

23 & 24 Vict. c. 120. s. 22.

90. If any Man chosen by Ballot as aforesaid (not being a Quaker), and becoming liable in the Rotation herein-before provided to be taken and examined, refuse, when required by any Two or more Deputy Lieutenants, to be examined as to his Fitness to serve in the Militia, such Person may, at the Discretion of any Two or more Deputy Lieutenants, be imprisoned for any Time not exceeding One Week, and shall, notwithstanding such Imprisonment, be liable to be enrolled to serve in the Militia if he appear to the Deputy Lieutenants a proper Person to be so enrolled.

Certain Persons exempt from Service.

91. The following Persons shall be exempt from being liable to serve in the Militia personally or by Substitute; that is to say,

Persons who have served

Peers of the Realm;

(other than Substitutes or Volunteers) not liable to serve again till their Turns come. *42 G. 3. c. 90. s. 43. 43 G. 3. c. 10. 15 & 16 Vict. c. 50. s. 21.*

Commissioned Officers in Her Majesty's other Forces, on Full, Retired, or Half Pay;

Non-commissioned Officers and Private Men serving in any of Her Majesty's other Forces;

Commissioned Officers serving, or who have served Four Years, in the Militia;

Persons being resident Members of any of the Universities of Oxford, Cambridge, and Durham, or of any of the Colleges of St. David, Lampeter, and St. Bees;

Members of the Senate of the University of London, Examiners, Professors, Tutors, and Lecturers of the said University, or of any College, School, or Institution connected with the said University, under the Provisions of any Charter thereof, and Students of any such College, School, or Institution duly matriculated in the said University, and actually receiving Education in any of the said Colleges, Schools, or Institutions;

Clergymen;

Constables and other Peace Officers;

Articled Clerks;

Apprentices;

Seamen and Seafaring Men;

Persons mustered, trained, or doing Duty, or employed in any of Her Majesty's Docks or Dock Yards for the Service thereof, or employed and mustered in Her Majesty's Service in the Tower of London, Woolwich Arsenal, the several Gun Wharves at Portsmouth, or at the several Powder Mills, Powder Magazines, or other Storehouses belonging to Her Majesty, under the Direction of the Secretary of State for War;

Persons being free of the Company of Watermen of the River Thames;

Poor Men who have more than One Child born in Wedlock;

and all Persons by any Act of Parliament for the Time being in force exempted from serving in the Militia;

and no Person having served personally or by Substitute, according to this Act, shall be obliged to serve again, until by Rotation it come to his Turn; but no Person who has served only as a Substitute or Volunteer in the Militia shall by such Service be exempted from serving again, if he be chosen by Ballot.

Occupiers being Quakers to produce Certificates acknowledging them Quakers, and Overseers to make the

92. In every Case where any Notice in the Form in the said Schedule (C.) is served upon any Occupier being a Quaker, such Occupier shall, within Seven Days after the Service of such Notice, produce to the Overseers, or One of them, a Certificate under the Hands of Two or more reputable Housekeepers being Quakers, acknowledging such Person to be one of their Persuasion;

and in all such Cases such Overseers shall make Returns of the Persons liable to serve in the Militia, resident in the Houses or Apartments of such Occupiers so certified to be Quakers as directed by this Act in Cases where Returns are not made to such Notices as aforesaid.

like Returns as in Case where no Return made.
42 G. 3. c. 90. s. 27.
23 & 24 Vict. c. 120. s. 23.

93. If any Overseer be a Quaker, and acknowledged to be of their Persuasion by Two reputable Housekeepers being Quakers, and neglect or refuse to perform the Duties required by this Act, Two Justices acting for the Division shall, in all Cases where the Circumstances of the Case in their Judgment render it necessary for the due Execution of this Act, by Order under their Hands and Seals, appoint a fit Person to be Deputy to such Quaker, for the Purpose only of carrying this Act into execution;

and such Quaker shall thereupon stand discharged from the Performance of any Duty required of him by this Act, and from all Penalties incurred for Neglect thereof after the Time of such Appointment;

and every Person so appointed Deputy shall, in the Place of the Overseer to whom he is appointed Deputy, have, perform, and exercise all the like Powers and Duties under this Act, and under the like Penalties, as if he were an Overseer.

Justices may appoint Deputies for Overseers being Quakers.
42 G. 3. c. 90. s. 33.
23 & 24 Vict. c. 120. s. 23.

94. If any Person being a Quaker be chosen by Ballot to serve in the Militia, and refuse or neglect to appear, and to take the Oath and serve in the Militia, or to provide such Substitute as herein-before mentioned, who is accepted, attested, and enrolled as aforesaid, then and in every such Case any Two or more Deputy Lieutenants shall, if they think proper, upon as reasonable Terms as may be, provide such Substitute;

and the Sum of Money which such Deputy Lieutenants may have agreed to give to such Substitute shall be paid to him upon their Certificate, by the Overseers of the Parish for which such Substitute is provided, out of the Poor Rates, and shall be levied, by Warrant under the Hands and Seals of such Deputy Lieutenants, by Distress and Sale of the Goods and Chattels of such Quaker, with the Charges of such Distress and Sale;

and in case any Measures be used in making Distress as aforesaid which may be by any such Quaker thought oppressive, he may complain to the Deputy Lieutenants at their next Meeting, who are hereby empowered and required to hear and finally determine the same.

Two Deputy Lieutenants may provide Substitutes for Quakers; the Expense to be paid by Overseers and levied by Distress.
Quakers may complain to the Deputy Lieutenants.
42 G. 3. c. 90. s. 50. (part unrepealed by 15 & 16 Vict. c. 50. s. 33.) and 43 G. 3. c. 50. s. 12. altered. 23 & 24 Vict. c. 120. s. 23.

95. Where any Rate has been made for providing Volunteers pursuant to the Resolution of any Vestry or Meeting, and the

Levy of certain Costs on Nonpay-

ment of Rate by Quakers.
42 G. 3. c. 90. s. 51.

Overseers make Complaint to a Justice that any Quaker or Quakers has or have refused to pay the Sum or Sums of Money he or they has or have been rated at, such Justice shall order such Costs and Charges to be paid for levying such Distress as he thinks reasonable, not exceeding Ten Shillings on each of the said Quakers where there are no more than Two, and where there are a greater Number than Two, not exceeding Five Shillings on each of the said Quakers.

No Person to be deemed a Quaker unless he produce a Certificate of his being of that Persuasion.
42 G. 3. c. 90. s. 51. altered.

96. No Man shall be deemed a Quaker within the Meaning of either of the Two last preceding Enactments unless he produce, before the Deputy Lieutenants at some of their Subdivision Meetings, a Certificate under the Hands of Two or more reputable Housekeepers being Quakers resident within the said County, and dated within Three Months immediately preceding the Day on which it is produced as aforesaid, acknowledging such Man to be One of their Persuasion.

Substitutes or Volunteers who do not appear to be attested shall return the Bounty, and be liable to Penalty.
42 G. 3. c. 90. s. 62. altered by Omission of Deputy Lieutenant.

97. Every Person who receives Money from any other Person to serve as a Substitute in the Militia, or from any Overseers to serve as a Volunteer as herein mentioned, and neglects to appear at the usual Meeting appointed for swearing in the Militiamen, in order to be attested according to this Act, being convicted thereof before any Justice, shall be obliged to return the Money to the Person or Persons from whom he received it, and shall forfeit to such Person or Persons any Sum not exceeding Forty Shillings nor less than Twenty Shillings, at the Discretion of the Justice before whom he is so convicted;

and if such Offender do not immediately return the Money so by him received as aforesaid, and likewise pay the said Penalty, he shall be committed to the Common Gaol or House of Correction for Fourteen Days, or until the said Sum is returned.

How Money agreed to be given to a Substitute or Volunteer may be ordered to be paid where Militia not embodied, and where it is.
42 G. 3. c. 90. s. 63. altered.

98. If any Person chosen by Ballot to serve in the Militia have engaged any other Person to serve as his Substitute, or if any Overseers have engaged any Person to serve as a Volunteer, and the Person so chosen by Ballot or such Overseers have agreed to pay to the Person so engaged a certain Sum for such Service, Two Deputy Lieutenants or One Justice, on Application of such Person after he has been examined, approved, and enrolled under this Act, shall make such Order as herein-after mentioned for immediate Payment of such Sum of Money (if any) as appears to them or him to be due to such Substitute or Volunteer by the Person or Persons by or for whom he was engaged to serve as aforesaid in manner herein-after mentioned; that is to say, if the Militia for which such Substitute or Volunteer is enrolled be not then embodied, the Order shall be for Payment of such Sum to such Substitute or Volunteer;

and if such Militia be then embodied, the Order shall be for Payment of any Sum not exceeding One Half Part of the said Sum to such Substitute or Volunteer, or to such Person, or to such of his Family, and in such Proportions as he requests at the Time of such Enrolment, and for Payment of the remaining Part of the said Sum to the Clerk of the Subdivision;

and the Clerk of Subdivision receiving any Money under such Order shall forthwith remit the same to the Paymaster of the Regiment to which such Substitute or Volunteer is sent as a Militiaman, to be retained by him until such Substitute or Volunteer has joined such Regiment, and been approved at Head Quarters as fit to serve, and then to be paid or accounted for to such Substitute or Volunteer; and if he do not join or be not approved of, then such Money shall remain in the Hands of such Paymaster, to be afterwards applied in like Manner to the Payment of some other Substitute or Volunteer in his Place, and shall be accounted for as the Secretary of State may direct;

and if any such Subdivision Clerk omit to remit such Money within One Week after the same has been paid to him as aforesaid, he shall forfeit for every such Offence the Sum of Twenty Pounds;

and any such Order as aforesaid for Payment of Money may be made by any Justice or Deputy Lieutenants in a summary Way, and all Provisions which would be applicable where any Justice is authorized to order Payment of Money in a summary Way shall be applicable for and in relation to any Order by such Deputy Lieutenants.

Half the Price of Volunteers to be paid by Parish Officers to Persons chosen by Ballot who serve or provide a Substitute, on their making Oath that they are not worth 500*l.*

99. In case any Person not possessed of any Estate in Land, Goods, or Money of the clear Value of Five hundred Pounds, and who makes Oath that he is not possessed of such Estate, be chosen by Ballot to serve in the Militia for any Parish where the Militia is embodied, and be approved, attested, and enrolled as aforesaid, or provide such Substitute as herein-before mentioned, who is accepted, sworn, and enrolled as aforesaid, the Overseers of such Parish shall, on receiving an Order under the Hands of any Two or more Deputy Lieutenants acting within the Subdivision where such Parish is situate, pay to every such Person so chosen by Ballot such Sum of Money, not exceeding the Sum which such Deputy Lieutenants adjudge to be as near as may be One Half of the current Price then paid for a Volunteer or Substitute in the County where such Person was so chosen, which said Sum to be so paid shall be taken out of the Rate to be made as herein-before directed where Volunteers

teers are provided for any Parish, or in case no Volunteers have been provided by the Overseers, then out of a Rate to be made and collected as herein-before directed where Volunteers are so provided;

Penalty on Parish Officers for refusing to pay.

and in case any Overseer refuse or neglect to pay such Money, upon Demand, and Production of such Order, he shall for every such Offence forfeit the Sum of Ten Pounds, One Half of which Penalty shall be paid to the Person so chosen by Ballot in lieu or in part of the Sum ordered to be paid him as aforesaid, as the Case may require:

If Person chosen or Substitute disapproved, Allowance not to be paid to him, but to the next Person chosen.
42 G. 3. c. 90. s. 122. altered.

Provided always, that if any Man so chosen by Ballot, and serving for himself, be within One Month after his Enrolment disapproved of and discharged by the Commanding Officer of the Regiment, such Sum shall not be paid to the Person so chosen by Ballot; and if any Substitute be disapproved and discharged in manner aforesaid, then no such Sum shall be paid to the Man so chosen by Ballot whose Substitute is so disapproved and discharged, unless he serve himself or find another Substitute who is approved by such Commanding Officer as aforesaid.

Provision as to Parishes in Two Counties.
42 G. 3. c. 90. s. 48.

100. Where any Parish lies in Two or more Counties the Inhabitants of such Parish shall serve in the Militia of the County wherein the Church belonging to such Parish is situate; and such Parish shall, for all the Purposes of this Act, be deemed Part of such County.

Persons fraudulently bound Apprentice to be liable to serve, and the Master to forfeit 10*l.*
42 G 3. c. 90. s. 49.

101. If any Two or more Deputy Lieutenants at any of their Subdivision Meetings receive Information or suspect that any Person whose Name is inserted in any List, and described as an Apprentice, has been fraudulently bound Apprentice in order to avoid serving in the Militia, it shall be lawful for them to make Inquiry thereof, and to summon such Persons as they think necessary to appear before them at such Time and Place as they appoint, and to examine such Persons upon Oath; and in case it appear that such Binding was fraudulent, in order to avoid serving in the Militia, it shall be lawful for such Deputy Lieutenants to appoint such Person so fraudulently bound Apprentice to serve as a Militiaman for the Parish for which such List was returned, if there be a Vacancy, and if there be no Vacancy at that Time, then upon the first Vacancy that happens; and the Person to whom such Apprentice was so bound shall for such Offence forfeit the Sum of Ten Pounds.

Deputy Lieutenants may determine Differences between

102. If any Difference or Disagreement arise between the Officers of any Parish or between the Officers of different Parishes, touching the Execution of this Act, the Deputy Lieutenants acting in and for the Subdivision where such Difference or Disagreement may happen shall at any Subdivision Meeting hear and determine the same, and make such Order therein for the better Execution of this Act, as to them may seem meet, and such Order shall be final and conclusive.

Parish Officers. *42 G. 3. c. 90. s. 34.*

103. The Secretary of State shall from Time to Time cause to be furnished to Overseers the necessary Forms for the Purpose of the said Notices and Lists; and the Expenses incurred by such Overseers in and about the collecting Returns to such Notices, and making the Returns so required of them, and otherwise in the Performance of the Duties imposed on them by this Act, shall, save as herein otherwise provided, be defrayed out of such Monies as may be provided by Parliament for this Purpose.

Forms to be furnished by Secretary of State, and Expenses defrayed out of Monies provided by Parliament. *23 & 24 Vict. c. 120. s. 24.*

104. Where upon any Alteration of the Quota of any County or of any Subdivision such Quota is increased, no Proceedings shall be taken for making up the Number of Men serving for such County or Subdivision to the full Quota by means of the Ballot, until the Time for the next annual Proceedings for the Purpose of the Ballot;

and where upon any such Alteration the Quota is decreased below the Number then actually serving, the Men actually serving shall nevertheless continue to serve during their Term of Service as if such Quota had not been decreased;

provided always, that if the Alteration be consequential on an Increase of the whole Number of Militiamen, or if the Secretary of State think it requisite that the Deficiency in such full Quota should be supplied before the Time for such annual Proceedings, a Subdivision Meeting or Subdivision Meetings (as the Case may require) shall be held at such Time or Times as may be appointed by such Secretary of State, and certified to the Clerk or Clerks of the Subdivision or Subdivisions for this Purpose; and thereupon the like Proceedings shall be taken for supplying the Deficiency in the full Quota of any or each Subdivision as are herein-before directed in the Case of Proceedings for the Supply of casual Vacancies by Ballot.

Provision consequential on Alteration of Quotas. *23 & 24 Vict. c. 120. s. 25. The Proviso is new.*

105. If any List made under this Act for any Parish be lost or destroyed, the Deputy Lieutenants, acting for the Subdivision in which such Parish is situate, or any Two or more of them, shall cause a new List, in lieu of the List so lost or destroyed, to be made and returned to them, at their next Subdivision Meeting, in the same Manner as the List lost or destroyed was made and ought to have been returned to them.

New Lists shall be made out if any are lost. *42 G. 3. c. 90. s. 46.*

106. While the Provisions for raising Men by Ballot are in operation, if any Regiment be embodied and absent from the County

When a Regiment is out of its

County, a List of Men whose Time is within Four Months of expiring, and willing to continue in the Service, and for what Price, to be transmitted bi-monthly by the Commanding Officer to Clerk of General Meetings.
42 G. 3. c. 90. s. 123. altered, so as to be appli- only when the Ballot is brought into operation.

County or Counties to which it belongs, the Commanding Officer of such Regiment shall apply to every Man whose Time is within Four Months of expiring, and who in his Judgment, and after an Examination by the Surgeon of the Regiment, is still fit to serve as a Militiaman, and inquire if he is willing to continue in the Service for such Term as any Man who should be then balloted to serve would be subject to serve, and for what Price or Sum he will so continue;

and such Commanding Officer shall, on the First Day of the Months of January, March, May, July, September, and November respectively, or as soon after as conveniently may be, transmit to the Clerk of the General Meetings of the County or each County (if more than One) to which his Regiment belongs a List of all such Men in such Regiment as he finds willing to continue in the Service, in which List shall be set down the Sums they are respectively willing to continue for, and which List shall be signed by every such Militiaman as aforesaid, and shall be made in the following Form; videlicet,

Dated the Day of

Name of the County.	Names of the Men.	Of the Parish of	In the Hundred or other Division of	Time of Service expires on the	Sum for which they engage to serve.	Signature of Consent.
	A. B.	*P.*	*H.*			*A. B.*
	E. F.	*Q.*	*I.*			*E. F.*
	G. K.	*R.*	*N.*			*G. K.*

Signing the List shall be binding.

and the signing of the said List shall be binding upon the Persons signing the same, to all Intents and Purposes whatsoever.

Clerk of General Meetings to transmit to Clerks of Subdivisions Extracts of Returns, and Deputy Lieutenants may cause the Men willing to continue to be enrolled, and require the Parish Officers to remit their Bounties to

107. The Clerk of the General Meetings of every County, shall, as soon after the Receipt of any such List as the same can be done, transmit to the respective Clerks of the Subdivisions, for the Use of the Deputy Lieutenants acting in such Subdivisions, correct Extracts therefrom, specifying in every such Extract the Men that have been enrolled for the Subdivision to which the Clerk to whom any such Extract is sent belongs;

and thereupon it shall be lawful for such Deputy Lieutenants, if they think fit, to cause the Men willing to continue to serve as aforesaid to be enrolled to serve as aforesaid for the respective Parishes for which they were originally enrolled to serve, or, in the Case of Volunteers, in which they were resident when enrolled to serve, and in every such Case to direct and require the Overseers of the Poor of such Parish to remit the Bounties to be given to such Men to the Paymaster of the Regiment in which such Men are then serving, who shall forthwith pay or account to such Men respectively for the same.

the Paymaster.
42 G. 3. c. 90. s. 124.

Assessments on Parishes making default in raising Militiamen.

108. The Lieutenant or Three Deputy Lieutenants of every County shall, on or before the *Twenty-fifth Day of December* in every Year, transmit a Certificate to the Clerk of the Peace, containing an Account of the Number and Names of the Men raised in their County for the Militia agreeably to the Requirement of this Act at the annual Ballot;

and where in any County any casual Vacancies or Deficiency in the Militia are or is under this Act required to be supplied by Ballot between the Times at which the annual Ballot takes place, the Lieutenant or Three Deputy Lieutenants of such County shall, within from the Time or last of the Times appointed by the Secretary of State for holding Subdivision Meetings for balloting for Men to supply such Vacancies or Deficiency, transmit a Certificate to the Clerk of the Peace of the Number and Names of the Men raised in their County to supply such Vacancies or Deficiency;

and the Clerk of the Peace shall deliver every such Certificate to the Justices at their Quarter Sessions to be holden next after such Twenty-fifth Day of December, or (as the Case may require) after the Expiration of the said Period of

and where no such Certificate is received by the Clerk of the Peace as aforesaid on or before such Twenty-fifth Day of December, or within the said Period of the Clerk of the Peace shall certify the Fact to the said Quarter Sessions, and default shall in that Case be deemed to have been made in raising the Men required to be raised at the annual Ballot, or for supplying casual Vacancies or Deficiency, as the Case may be;

and every such Certificate as aforesaid shall be filed amongst the Records of the said Sessions.

Returns of the Militiamen raised in each County under the Provisions relating to Ballot to be made to Quarter Sessions.
42 G. 3. c. 90. s. 157. altered.

109. In every County in which the full Number of Men required under this Act to be raised by annual Ballot is not duly raised, the Sum of *Ten Pounds* shall be paid for and in lieu of every Private Militiaman less than the Number which should have been raised within the Time limited by this Act; and the Justices of every such County assembled at the Quarter Sessions to be holden next after the said *Twenty-fifth Day of December* shall assess the said Sum of *Ten Pounds* a Man as aforesaid upon every such County, and as well upon Parts thereof or Places therein not subject to the County Rate of such County as upon Parts and Places which are so subject;

Where the Quota of any County is not raised, 10*l.* to be paid for each Man deficient, to be raised by Assessment on Parishes in default.
42 G. 3. c. 90. s. 158. altered;

and see 43 G. 3. c. 50. s. 4.

and in case at any Time the Number of Men required to be provided for supplying casual Vacancies or any Deficiency in the Militia of any County according to this Act is not provided within the said Period of   , the Justices assembled at the next Quarter Sessions for the County, after the Expiration of such Period, shall assess upon such County the like Sum of *Ten Pounds* for every Man deficient of the Number required to be provided as aforesaid.

Assessments on each Parish to be in proportion to the Number of Men it is required to raise. When the Deficiency arises in any particular Parish or Parishes, the Assessment to be made thereon. *42 G. 3. c. 90. ss. 159, 160.*

110. The Justices in making any such Assessment upon the whole of any County shall apportion the Sums to be assessed, and assess the same upon the several Parishes in such County in the Proportions in which the Men for the Militia are required to be raised by such Parishes respectively;

and when in any County the Deficiency of Men has arisen from the Default of any particular Parish or Parishes in not raising the Proportion or Proportions of Men required to be raised therein, the said Justices in making such Assessment as aforesaid shall assess such Sums upon the Parish that has so made default, or upon the Parishes (if more than One) that have so made default, in proportion to the Number of Men by which they respectively fall short of the Number of Men required to be raised therein.

Notice of Sums assessed to be given to the Overseers, who are to raise the same by a Rate. *42 G. 3. c. 90. s. 161. altered.*

111. The Justices of the several Counties where any such Assessment is made as aforesaid shall, immediately after the making of any such Assessment, cause to be transmitted a Note or Minute of the several Amounts so assessed upon the several Parishes to the Treasurer of such County;

and such Treasurer shall, as soon as conveniently may be, cause Notice thereof to be given to the Overseers of the several Parishes upon which such Assessment has been made as aforesaid;

and such Overseers shall, within Fourteen Days after such Notice as aforesaid of such Assessment, pay to their Treasurer the Amount of the Assessment made upon their respective Parishes, and may pay the same out of any Money in their Hands arising from the Rates for the Relief of the Poor;

and for reimbursing themselves any Sum so paid, or for paying the same (as the Case may require), the Overseers shall make the like Rate as in this Act provided in the Case of a Rate made for raising Sums paid to Volunteers, and the Provision of this Act relating to such last-mentioned Rate shall be applicable where any Rate is made under this Enactment.

County Treasurer to retain such

112. The Treasurer receiving any such Money shall retain the same in his Hands for *Three Months* after the Receipt thereof, and during that Period it shall be lawful for any Deputy Lieutenant of the Subdivision within which the Parish by or on behalf of which such Sum was paid is situate to raise Volunteers for such Militia in lieu of such Men as are deficient as aforesaid, and to agree with every such Volunteer for a Bounty not exceeding the Sum of *Ten Pounds;*

and the Deputy Lieutenant before whom any such Volunteer is duly examined, approved, and sworn and enrolled to serve in the Militia shall make an Order upon such Treasurer for the Payment of such Bounty, and upon the Production to such Treasurer of a Certificate under the Hand of such Deputy Lieutenant as aforesaid of any such Volunteer having been duly examined, approved, and sworn and enrolled to serve in the Militia, and of such Order for the Payment of such Bounty as aforesaid, and of a Certificate under the Hand of the Commanding Officer of any Regiment which such Volunteer may be required or ought to join, of his having joined his Regiment, such Treasurer shall pay out of such Money in his Hands as aforesaid any Sum of Money not exceeding the said Sum of Ten Pounds for each such Volunteer as aforesaid;

and such Treasurer shall, at the Expiration of Three Months after the Receipt of such Money as aforesaid, pay the same, or such Part thereof as has not been paid for any such Volunteer as aforesaid, in manner herein directed, to the Receiver General of Inland Revenue of such County, to be applied and disposed of in manner directed by this Act.

Money Three Months, and pay thereout Bounties to any Volunteers the Deputy Lieutenants raise within that Period for supplying Deficiencies, and pay Balance to Receiver General of the County.
42 G. 3. c. 90. s. 162.

Sections 163–165 of 42 G. 3. c. 90. are omitted. They do not seem applicable if the Quarter Sessions of the County at large are to assess the Money upon the Parishes, and the Parishes are to raise it by a special Rate.

113. Every Receiver General to whom any such Money is paid shall give a Receipt for the same to the Person making the Payment, which Receipt shall be a sufficient Discharge;

and when the whole Sum directed to be raised in any County as aforesaid has been paid into the Hands of the Receiver General in pursuance of this Act, such Payment shall be a full Discharge and Indemnification to such County for the Failure or Neglect in raising the Men for the Year in respect whereof such Payment is made;

and every such Receiver General shall, within *Ten Days* after the Receipt of any such Money, certify such Receipt to the Commissioners of Her Majesty's Treasury, and forthwith pay the same into the Receipt of Her Majesty's Exchequer at Westminster; and the Money so paid into the Exchequer shall be kept separate and apart from all other Money, and shall be accounted for yearly to Parliament, and disposed of as Parliament shall direct; and no Fee or Gratuity whatever shall be paid or given to any Officer of

When the Assessment upon any County is paid to the Receiver General, it shall be indemnified for not raising its Quota, such Money to be paid into the Exchequer, to be disposed of by Parliament.

the Exchequer for or on account of receiving or issuing any such Money;

Treasury may allow to Receiver General a Reward for his Trouble. *42 G. 3. c. 90. s. 166.*

and the Commissioners of the Treasury are hereby authorized to allow to the Receiver General of any such County, upon the clearing of his Accounts, such Salary or Reward for his Pains and Trouble in receiving and paying in such Money as the said Commissioners think proper, not exceeding *Twopence* in the Pound for so much Money as he pays into the Exchequer in pursuance of this Act.

County Treasurer may detain 1*d.* in the Pound of the Money he receives, and to make a like Allowance to every Overseer. *42 G. 3. c. 90. s. 167.*

114. The Treasurer of every County in which any Money is raised as aforesaid shall be allowed for his Trouble the Sum of One Penny in the Pound upon the whole Sum by him received and paid; which Allowance every such Treasurer is hereby authorized to detain in his Hands out of the Money so received by him, before Payment made to the Receiver General as aforesaid; and every Overseer who acts in the raising and collecting of the said Money shall be allowed and paid by such Treasurer, as a Recompence for his Trouble therein, the Sum of One Penny in the Pound of all such Money in the raising and collecting whereof he acts as aforesaid; and such Treasurer shall allow the same to be deducted accordingly.

Clerks of the Peace to transmit annually Copies of Certificates received from the County Lieutenants, and, where not delivered, to certify Omission to the Treasury, &c., and to certify Omissions of Justices in proceeding to raise Money to the Solicitor of the Treasury, who is to compel them to do so. *42 G. 3. c. 90. s. 168.*

115. The Clerk of the Peace for every County shall, within Fourteen Days next after the Quarter Sessions to be holden next after the Twenty-fifth Day of December yearly, and next after the Expiration of the said Period of in any Year, transmit to the Commissioners of the Treasury, and also to the Receiver General of Inland Revenue for such County, a Copy, signed by such Clerk of the Peace, of every Certificate which he has received from the Lieutenant or any Three Deputy Lieutenants of such County as aforesaid; and where such Certificate has been omitted to be delivered the Clerk of the Peace shall certify the Fact to the Commissioners of the Treasury, and also to the Receiver General, and that such Clerk of the Peace has certified the same to the Justices at the said Quarter Sessions, and such Clerk of the Peace shall also certify what Proceedings have been had at such Quarter Sessions in relation to the assessing and raising of the said Money where the Militia has not been duly raised;

and in case such Justices omit to proceed to raise the said Money according to the Directions of this Act, then the Clerk of the Peace of such County shall, within *Fourteen Days* next after such Quarter Sessions of the Peace, certify to the Solicitor of the Treasury such Omission of such Justices, and the Names of the Justices present at such Sessions; and the Solicitor of the Treasury shall, on Receipt of such Certificate, forthwith proceed, by all such legal

Ways and Means as may be most effectual and expeditious, to compel such Justices to pay due Obedience to this Act, and to cause the said Money to be raised, collected, and paid.

116. If the said Sum of *Ten Pounds* a Man to be raised and paid in any such County as aforesaid be not levied, collected, and paid into the Exchequer in manner herein-before directed, the Solicitor of the Treasury shall forthwith, upon Knowledge or Information thereof, proceed, by all such legal Ways and Means as may be most effectual and expeditious, to compel the levying and collecting of such Money, and the Payment thereof into the Exchequer as aforesaid.

If 10*l.* a Man be not raised in any Place, and paid into the Exchequer, Solicitor of the Treasury to compel its being done.
42 G. 3. c. 90. s. 169.

117. If any Clerk of the Peace refuse or wilfully neglect to receive, deliver, file, make, record, or transmit any such Certificate as aforesaid according to this Act, every such Clerk of the Peace so offending shall for every such Offence forfeit the Sum of *One hundred Pounds,* and shall also forfeit his Office, and be rendered incapable of having, receiving, or holding any Office of Trust, Civil or Military, under the Crown;

Penalty for Neglect of Duty in Clerks of the Peace, Receivers General, Treasurers, &c.

and if any Receiver General, Treasurer, or Overseer who ought to act and assist in the raising and collecting of the said Money wilfully omit to act or assist therein according to this Act, every such Receiver General or Treasurer so offending shall for every such Offence forfeit the Sum of Two hundred Pounds; and every such Overseer so offending shall for every such Offence forfeit the Sum of *Twenty Pounds;*

and the Solicitor of the Treasury shall with all due Diligence prosecute with Effect all such Justices, Receivers General, Treasurers, and other Officers who omit to perform the Duty required of them respectively by this Act touching the raising, collecting, and paying of the said Money;

and in case the Solicitor of the Treasury wilfully omit or delay to proceed against any such Justice, Receiver General, Treasurer, or other Officer as aforesaid, he shall for every such Offence forfeit the Sum of *Five hundred Pounds.*

Solicitor of the Treasury to prosecute Justices, &c. for Neglect, on Penalty of 500*l.*
42 G. 3. c. 90. s. 170. altered.

Discharge and Promotion of Men, &c.

118. Any Militiaman may, if he desire, be transferred from one Regiment to another raised in any Part of the United Kingdom, with the Consent of the Commanding Officers of both Regiments, without being required to take any Oath other than that which he took on his original Enrolment.

But no Militiaman shall quit the United Kingdom without Leave of Her Majesty for that Purpose, signified by the Secretary of State.

The last Paragraph of this Clause is new; the Remainder of the Clause is at present confined to Volunteers.

Militiamen may be transferred to another Regiment; restriction on quitting United Kingdom.
Militia Pay Act, s. 1. 1867.

Men becoming unfit to serve may be discharged; if by Commandant only, to be confirmed by Two Deputy Lieutenants before others are balloted for.
42 G. 3. c. 90. s. 55. altered.

119. Where any Militiaman, after having been sworn and enrolled, becomes unfit for Service, the Commanding Officer of his Regiment, together with Two or more Deputy Lieutenants of the County to which such Regiment belongs, if such Regiment be then within the said County, or the Commanding Officer only if such Regiment be absent therefrom, may discharge such Man from his Regiment; but another Man shall not be balloted for in the Room of such Man so discharged until such Discharge has been confirmed under the Hands of Two or more Deputy Lieutenants of the said County assembled at any Meeting in the Subdivision for which such Man was enrolled, or at any General Meeting for the County.

Vacancies occasioned by Death, &c. to be certified.
42 G. 3. c. 90. s. 56. altered.

120. Where any Private Man, before the Expiration of the Term for which he was to serve, dies, or is appointed a Non-commissioned Officer or Drummer, or discharged in manner aforesaid as unfit for Service, or in pursuance of the Sentence of a Court-martial, the Commanding Officer of the Regiment to which such Man belongs shall certify the Vacancy occasioned by such Death, Appointment, or Discharge (as the Case may be) to the Clerk of General Meetings, who shall forthwith transmit the said Certificate to the Deputy Lieutenants of the Subdivision for which such Man was enrolled.

Provision for Case of a Private appointed in the Room of a Non-commissioned Officer, &c. reduced to the Ranks.
42 G. 3. c. 90. s. 57.

121. Where any Private Man is appointed a Non-commissioned Officer or Drummer in any Regiment in the Room of One reduced to the Ranks, no Vacancy shall be deemed to be occasioned by such Appointment until the Non-commissioned Officer or Drummer so reduced has obtained his Discharge.

Where a Man is provided in the Room of One appointed a Non-commissioned Officer, Quarter Sessions may order a Sum to be paid out of the County Rates.
42 G. 3. c. 90. s. 58. altered; and see 43 G. 3. c. 50. s. 41.

122. Where in any Regiment in which any Private Man is appointed a Non-commissioned Officer or Drummer, the Parish for which such Private Man was then serving provides another Man in his Room, it shall be lawful for any Two Deputy Lieutenants acting for the Subdivision wherein such Parish is situate to certify the same to the Justices assembled at the next Quarter Sessions held for the same County, and the said Justices shall at such Sessions order a Sum of Money, not exceeding the average Price paid for a Substitute or Volunteer in such Parish, or any adjoining Parish, to be paid out of the County Rates to the Overseers of the Parish which provides another Man as aforesaid, whether such Man serves personally or by Substitute, and to be applied in aid of the Poor Rates in such Parish.

If Men absent themselves and do

123. If any Militiaman desert or absent himself from his Duty, and do not return and voluntarily surrender himself at Head not return, or be not taken within Three Months, their Places to be deemed vacant.

Head Quarters, or be not taken within *Three Months* from the Time of his so deserting or absenting himself, then, upon Certificate thereof from the Commanding Officer of such Regiment to the Clerk of the Subdivision for which such Militiaman was enrolled, a Vacancy shall be deemed to have occurred by reason of the Desertion or Absence;

Whenever such Men return or are taken, they are to serve.

42 G. 3. c. 90. s. 100. altered. See also ss. 128, 135.

and if such Militiaman at any Time thereafter return or be taken, he shall, notwithstanding any Person has been chosen in his Room, be compelled to serve in the same Manner and for the same Term as if no Person had been so chosen in his Room.

Power to Secretary of State to discharge Militiamen.

17 & 18 Vict. c. 105. s. 42. part, extended. from Volunteers to all Militiamen.

124. It shall be lawful for the Secretary of State at any Time to discharge any Militiaman for Misconduct, Unfitness, or other Cause, upon such Conditions as he may from Time to Time direct, and such Militiaman shall have no Claim to future Pay or Bounty (if any); and the Place of such Militiaman shall be supplied in like Manner as if his Term of Service had expired by Efflux of Time.

Drill, Training, and Exercise.

Men to attend at Head Quarters, &c. for preliminary Instruction.

23 & 24 Vict. c. 94. s. 14. 23 & 24 Vict. c. 120. s. 19. altered and harmonized.

125. All Militiamen shall, within such Time after Enrolment, or at such other Time, as may be directed by any Regulations made under this Act, or any Order of Her Majesty, signified by the Secretary of State, attend at the Head Quarters of the Regiment, or such other convenient Place as may be directed by or pursuant to any such Regulations or Order, there to be drilled, trained, or exercised by way of preliminary Instruction for any Time not exceeding *Twenty-eight Days*.

Officers, Non-commissioned Officers, and Men may voluntarily be attached to the Army for Instruction.

17 & 18 Vict. c. 105. s. 53. altered, and see Militia Pay Act, 1867, s. 10., part.

126. Any Officer, Non-commissioned Officer, or Man of the Militia may, with the Consent of the Secretary of State, and with his own Consent, be attached for a Time for the Purpose of Instruction to any Regiment of Her Majesty's Regular Forces, and shall for such Time be allowed Pay, and be deemed to be under the Command of the Officer commanding such Regiment, and under the Operation of the Mutiny Act and Articles of War, as if he were an Officer or Soldier of such Regiment.

The Mutiny Act, &c. must, it should seem, apply as if the Militia Officer or Man belonged to the Army, as here expressed.

Period and Times and Places of Training and Exercise.

42 G. 3. c. 90. s. 87.

127. Save as herein otherwise provided, the Militia shall be trained and exercised for not less than Twenty-one Days and not more than *Twenty-eight Days* in every Year in their respective Counties;

and for that Purpose may be called out once or oftener in every Year.

15 & 16 Vict. c. 50. s. 26. 22 & 23 Vict. c. 38. s. 8. altered.

the Times and Places of Training and Exercise to be appointed by Her Majesty by Order signified by the Secretary of State.

Twenty-one Days is the Time now fixed by Act of Parliament, but in fact the Training is always longer, under the Authority of the Secretary of State, for which see subsequent Clause.

Her Majesty may, by Order in Council, cause Militia to be exercised out of their own Counties, or extend or reduce the Period of Exercise.

15 & 16 Vict. c. 50. s. 27.

128. Her Majesty from Time to Time, with the Advice of Her Privy Council, may order all or any Part of the Militia to be marched out of their own Counties into any Part of England and Wales for the Purpose of Training and Exercise, and may also order that the Period of Training and Exercise of all or any Part of the Militia be extended or reduced, but so that the whole Period of Training and Exercise in any Year be not more than *Fifty-six Days* or less than *Three Days.*

Time of Training may be extended by Her Majesty after Militia is called out.

17 & 18 Vict. c. 13. s. 2.

129. When any Regiment is actually assembled for Training and Exercise for a less Period than *Fifty-six Days*, or Notices to the Men of such Regiment to attend Training and Exercise for any such less Period have been given, it shall be lawful for Her Majesty, by Order signified by the Secretary of State to the Lieutenant of the County for which such Regiment is enrolled, or in his Absence to Three or more Deputy Lieutenants of such County, to extend the Period of such Training and Exercise for a Period not exceeding, with the Time for which such Regiment has been called out for such Training and Exercise, the Period of *Fifty-six Days;* and in any such Case fresh Notices to attend Training and Exercise shall not be necessary:

All Provisions applicable to such Militia during the Time of Training and Exercise shall be applicable to such Regiment during such extended Period as if the Notices for calling out such Regiment for such Training and Exercise had been given for such extended Period, and had been authorized by Law.

When a Regiment has been disembodied, Her Majesty may suspend Training for a Year.

42 G. 3. c. 90. s. 88.

130. Provided always, that where any Regiment has been disembodied, as herein-after mentioned, it shall be lawful for Her Majesty, if She see fit, to direct that such Regiment shall not be trained or exercised for the Space of One Year from the Day on which it was disembodied, or for such less Period as Her Majesty may think fit.

Secretary of State may move Regiments disembodied into any Quarters.

17 & 18 Vict. c. 105. s. 55.

131. The Secretary of State may move any Regiment not embodied into any Quarters in any Part of the United Kingdom during the Period of their Training.

Time of Drill not to be reckoned, &c.

132. Where any Officer, Non-commissioned Officer, or Man of any Regiment is sent to Head Quarters or elsewhere, or attached to any Corps of Her Majesty's Regular Forces, for Purposes of

Instruction, the Time of his Attendance for Instruction as aforesaid shall not be reckoned in computing the Period for which he may liable to be called out or kept assembled for Training and Exercise.

and see 17 & 18 Vict. c. 13. s. 3. altered, 23 & 24 Vict. c. 94. s. 14. and c. 120. s. 19.

Lieutenants, with Approbation of the Secretary of State, to provide Places for Exercise. *15 & 16 Vict. c. 50. s. 28.*

133. It shall be lawful for the Lieutenants of the several Counties, with the Approbation of the Secretary of State, to take on Lease or Hire, for or during such Terms or Periods as they may think necessary, Pieces of Ground convenient for the Training and Exercise of the Militia of their Counties.

Stoppages for Necessaries, &c. *42 G. 3. c. 90. s. 96.*

134. When any Regiment is assembled for the Purpose of being trained and exercised, it shall be lawful for the Captain of every Company to put the Militiamen of his Company under Stoppages not exceeding *Fourpence* a Day for each Man, for the Purpose of providing them with Necessaries, and for defraying the Expense of repairing any Arms which have been broken or damaged by any Militiaman's Neglect:

Every such Captain shall account with each Militiaman for such Stoppage, and after having deducted what has been laid out and paid for Necessaries, and for repairing the Arms as aforesaid, shall pay the Sum remaining (if any) into the Hands of the Militiaman to whom the same belongs, before he is dismissed from such Training and Exercise.

Embodying of the Militia.

In what Event and how Militia to be embodied. *42 G. 3. c. 90. s. 111. 17 & 18 Vict. c. 13. s. 1. 22 & 23 Vict. c. 38. s. 1.*

135. Whenever a State of War exists between Her Majesty and any Foreign Power,

and in all Cases of actual Invasion, or imminent Danger thereof,

and in all Cases of Rebellion or Insurrection,

it shall be lawful for Her Majesty (the Cause being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by Proclamation, if Parliament be not sitting) to order the Lieutenants of the several Counties, or on the Death or Removal, or in the Absence from their respective Counties, of any of them, then any Three or more Deputy Lieutenants, with all convenient Speed, to draw out and embody all the Regiments within their respective Counties, or so many of them, or such Part of them or any of them, as Her Majesty may judge necessary, and in such Manner as may be best adapted to the Circumstances of the Danger, and to put the said Forces under the Command of such General Officers as Her Majesty may appoint;

and in the Case of any united Militia, the Lieutenant having the Appointment of the Commanding Officer of such united Militia shall be the Lieutenant to whom any Order for embodying such Militia shall be directed.

Parliament to be assembled when Militia is ordered to be embodied. *42 G. 3. c. 90. s. 113.*

136. Whenever Her Majesty orders the Militia to be drawn out and embodied as aforesaid, if Parliament be then separated by such Adjournment or Prorogation as will not expire within Fourteen Days, Her Majesty shall issue a Proclamation for the meeting of Parliament within Fourteen Days, and Parliament shall accordingly meet and sit upon the Day appointed by such Proclamation, and continue to sit and act in like Manner as if it had stood adjourned or prorogued to the same Day.

Where Part only of Militia embodied in first instance further Part may be embodied afterwards. *42 G. 3. c. 90. ss. 140, 141. altered.*

137. Where the Order of Her Majesty does not apply to the whole of the Militia, Her Majesty may from Time to Time, while any Part of the Militia remains embodied, make and give the like Order and Direction for and in relation to the drawing out and embodying of all or any Part of the Militia to which the previous Order or Orders did not apply.

When all the Militia of a County is embodied, all Officers, &c. to join. *42 G. 3. c. 90. s. 143.*

138. Whenever the whole of the Militia of any County is ordered to be embodied, all the Officers and Non-commissioned Officers and Drummers of every Regiment of such County shall join the Regiment to which they respectively belong, at the Time and Place appointed for the assembling of such Militia.

Provision for Case of Part only of Militia of a County being embodied. *42 G. 3. c. 90. s. 143.*

139. Whenever Part only of the Militia of any County is embodied under any Order of Her Majesty for that Purpose, Her Majesty may order what Proportion and Description of Officers, Non-commissioned Officers, and Drummers shall accompany such Part, and regulate the Formation thereof, and also regulate the Number and Duties of such of the Officers, Non-commissioned Officers, and Drummers as will remain within such County for the mustering, training, and exercising of the Remainder of the Militia thereof.

Militia not to be ordered out of United Kingdom. *42 G. 3. c. 90. s. 112. 22 & 23 Vict. c. 38. s. 1.*

140. Save as herein otherwise provided, no Part of the Militia shall be carried or ordered to go out of the United Kingdom.

Her Majesty may accept voluntary Offers of Militia to serve in the Channel Islands and Isle of Man. *22 & 23 Vict. c. 38. ss. 4, 5.*

141. It shall be lawful for Her Majesty to employ in any of the Islands of Guernsey, Jersey, Alderney, and Sark, and the Isle of Man, such Part of the Militia as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid;

and it shall be lawful for Her Majesty, by any Order signed by the Secretary of State, directed to the Commanding Officer of any Regiment, to propose to such Regiment to extend their Services to the said Islands and Isle, under such Rules and Regulations as Her Majesty may think fit and appoint;

and no Person shall be compelled to make an Offer to serve as aforesaid, or be engaged so to serve, except by his own Consent;

and no Commanding Officer shall certify any voluntary Offer previously to his having explained to every Person offering so to serve that the Offer is to be purely voluntary on his Part.

On Militia being embodied Lieutenants of Counties to issue Orders for Notices to Men to assemble. *See 42 G. 3. c. 90. s. 114.*

142. The Lieutenant of every County, or any Three or more Deputy Lieutenants, to whom any Order from Her Majesty for drawing out and embodying the whole or any Part of the Militia of such County is directed as aforesaid, shall forthwith issue his or their Order to the Commanding Officers of the Militia of such County, directing them to cause Notices to be forthwith given for the assembling of the Militia so ordered to be embodied at a Time and Place mentioned in such last-mentioned Order.

Disembodying of Militia. *42 G. 3. c. 90. s. 144.*

143. It shall be lawful for Her Majesty, from Time to Time as She may think fit, to disembody the whole or any Part of the Militia embodied under this Act, and from Time to Time again to re-embody all or any Part of the Militia so disembodied, as to Her Majesty may seem necessary, according to the Rules and Provisions of the Act.

Militia after being disembodied to be subject to former Engagements. *42 G. 3. c. 90. s. 145.*

144. When the Militia or any Part thereof has been disembodied as aforesaid, and the Officers and Men thereof have been dismissed to their Places of Abode, all such Officers and Men shall until again embodied be subject to the same Orders, Directions, and Engagements only as they were subject to under the Provisions of this Act before they were embodied as aforesaid.

Classification of Men, and Selection of Men to serve where Part only of the Militia of a County is embodied.

Secretary of State may direct Classification. *This Clause is new.*

145. For the Purpose of providing for the Case of a partial Embodiment of the Militia of any County, the Secretary of State may at any Time and from Time to Time, if he see fit, direct that the Classification of Militiamen herein-after mentioned shall be made in such County.

Deputy Lieutenants to class the Men enrolled, and make out a List, a Copy of which the Clerk of the Subdivision is to transmit to the

146. Where any Order has been made by the Secretary of State for Classification of Militiamen in any County, the Deputy Lieutenants in their several Subdivisions shall divide the Men enrolled in or for their Subdivision into as many Classes of the respective Descriptions herein-after mentioned as are found among such Men; that is to say,

in the First Class they shall put all the Men having no Child or Children living;

Clerk of General Meetings, to be entered.
42 G. 3. c. 90. s. 54. altered, and see 46 G. 3. c. 91. s. 2.

in the Second Class, all the Men having only One Child living; and in the last Class, all the Men not included in either of the former Descriptions;

and shall forthwith make out a List of such Classes, according to such Form as the Secretary of State may direct; and within Three Days after the completing thereof the Clerk of the Subdivision shall transmit to the Clerk of General Meetings a Copy of such List, to be by him entered in a Book to be kept for that Purpose.

If Her Majesty order Part of the Militia to be embodied, County Lieutenant to issue his Order to Clerks of Subdivisions to make out Lists of Persons enrolled, &c.
42 G. 3. c. 90. s. 129.

147. Where the Militiamen in any County are divided into Classes as aforesaid, the Lieutenant of such County, or (in case of Vacancy, or in the Absence of the Lieutenant from his County,) any Three or more Deputy Lieutenants, to whom any Order of Her Majesty for embodying a Part or Proportion of the Militia is directed, shall, as soon after the Receipt thereof as conveniently may be, issue his or their Order to the Clerks of the several Subdivisions in such County, requiring them respectively to prepare and make out a full and true List, containing the Names of all Persons enrolled to serve in the Militia by virtue of this Act, within each Subdivision respectively, and arranged according to their Classes as herein-before mentioned, before a Day to be specified in the said Order of the Lieutenant or Deputy Lieutenants as aforesaid, and which Day shall not be later than Three Days after the Date of such Order;

and the said Clerks shall, within the Time fixed by such Order, prepare and make out such Lists accordingly, and also Two Duplicates thereof, One of which Duplicates shall be for the Use of the Deputy Lieutenants at their respective Subdivision Meetings, and the other Duplicate thereof shall be transmitted to the Clerk of the General Meetings, for the Use of the Lieutenant of the County, or the Deputy Lieutenants who have issued such Order as aforesaid.

County Lieutenants also to issue Orders for assembling the Men within their respective Subdivisions, and Notices to be given for that Purpose.
42 G. 3. c. 90. s. 130.

148. The said Lieutenant or Deputy Lieutenants as aforesaid to whom Her Majesty's Order is directed shall, at the Time of issuing his or their Order herein-before mentioned, also issue his or their Order for assembling all the Men of the said Militia within their respective Subdivisions, or at such Place or Places within their respective Counties, and in such Proportions, as to the said Lieutenant or Deputy Lieutenants as aforesaid may appear most expedient, on the Day or Days to be specified in such his or their Order, to the Overseers of the several Parishes within such respective Counties; and such Overseers shall, upon Receipt thereof, forthwith cause Notice in Writing to be given to the several Men of the said Militia, or left at their usual Places of Abode, within their respective Parishes, to attend within their respective Subdivisions at the Time and Place mentioned in such Order, and shall also cause a like Notice thereof to be published in their respective

Parishes as in this Act directed; which last-mentioned Notice shall be deemed a sufficient Notice, notwithstanding any Omission in the Delivery of written Notices in manner herein directed; and all such Militiamen shall duly attend at the Time and Place appointed in such Notices respectively.

149. If any Person of the said Militia, not labouring under any Infirmity incapacitating him to serve as a Militiaman, do not appear in pursuance of such Order, or appearing do not abide the Orders of the Deputy Lieutenants attending in pursuance of this Act, every such Person shall be deemed a Deserter, and if not taken previously to the Completion of the Ballot at which such Person ought to attend in pursuance of this Act shall forfeit the Sum of Ten Pounds, and shall be deemed to be a Person liable to be embodied within the Meaning of this Act, and to serve according to the Directions herein contained, over and above the Number to be chosen by Ballot as aforesaid.

Men not appearing, or not abiding the Orders of the Deputy Lieutenants, to be deemed Deserters, and if not taken before the Ballot is completed shall forfeit 10*l.* and be liable to be embodied.

42 G. 3. c. 90. s. 131.

150. The said Lieutenant or Deputy Lieutenants as aforesaid of every County, or any Three or more of them, shall appoint the First Meeting to be holden by the several Deputy Lieutenants of the same County within their respective Subdivisions, or at such other Place or Places as may have been appointed as aforesaid, on the Day mentioned in such Order as aforesaid, for assembling the Men of the said Militia, in order to their being chosen or balloted to serve according to the Directions of this Act, and shall also appoint the Time and Place for assembling the Men so chosen or balloted within their respective Counties in order to their being embodied; of which several Appointments the respective Deputy Lieutenants shall have Notice;

and all the Men enrolled on the List of every such Subdivision, and appearing in pursuance of such Order on the Day so to be appointed, shall be then mustered by the said Deputy Lieutenants, and the said Deputy Lieutenants shall at such Meeting proceed, in the Manner by this Act directed, to cause a Number of the Men so appearing to be chosen or balloted for, according to the Directions of this Act, amounting or equal to such Proportion of the complete Number that had been or ought to be enrolled by virtue of this Act, on the List of such Subdivision, as may be specified in Her Majesty's Order for embodying any Part or Proportion of the Militia as aforesaid, and to cause the Names of all the Men chosen and balloted to be marked on the List of such Subdivision;

and when the Choice and Ballot are concluded, the said Deputy Lieutenants shall cause the List of such Subdivision to be publicly called, and as the Name of each Person contained therein is read shall

County Lieutenant, &c. to appoint the First Subdivision Meeting for choosing Men, and the Time and Place for assembling the Men chosen, and Subdivision Meetings to be holden accordingly.

42 G. 3. c. 90. s. 132.

shall then and there declare whether such Person is or is not (as the Case may be) chosen or balloted out of such List in the Manner herein provided;

and the Names of all the Men so chosen and balloted shall be returned to the Lieutenant of the County for which they are enrolled, or to the Deputy Lieutenants who have given such Order as aforesaid;

and the Men so chosen and balloted shall be embodied to serve according to the true Intent of this Act; and the said Deputy Lieutenants shall openly declare to them the Time and Place of their assembling in order to their being embodied; and all Men who have been declared to be so chosen or balloted shall immediately proceed and repair to and shall duly attend at the Time and Place so to be appointed and declared in order to their being embodied accordingly; and all Men not so chosen or balloted as aforesaid shall be discharged from further Attendance in pursuance of such Order as aforesaid.

Deputy Lieutenants may correct Classes. *42 G. 3. c. 90. s. 133.*

151. Provided always, that it shall be lawful for the said Deputy Lieutenants, in their several Subdivision Meetings, and before they proceed to choose or ballot, as herein-before directed, to revise and correct the Names of the Men contained in any Class or Classes, according to the several Changes or Alterations that may have taken place since the last Revisal or Correction thereof.

How Men to be chosen from Classes. *42 Geo. 3. c. 90. s. 134. part.*

152. The Deputy Lieutenants in their several Subdivisions shall, before they proceed to choose or ballot for the Men who are to be embodied from the Men enrolled in the same Subdivision, examine the Classes of the Descriptions herein-before mentioned, entered according to the Provisions of this Act, and in every Case in which the Number of Men required from such Subdivision is equal to the Number of Men contained in the First or First and Second Class or Classes in their Order, then and in such Case the Men contained in such Class or Classes, as the Case may be, shall be forthwith chosen without any Ballot; and when the Number of Men so required as aforesaid is less than the Number of Men contained in such First Class then the Number required shall be balloted for out of such Class only, and no other; and when the Number required as aforesaid exceeds the Number of Men contained in the First or First and Second Class or Classes in their Order the Deputy Lieutenants shall first choose all the Men in such First Class or First and Second Classes, as the Case may may require, until the Number required is, as near as may be, completed, and shall then proceed to ballot in manner directed by this Act for the Remainder of the Number so required as aforesaid, out of the Class immediately following the last Class that has been wholly taken, towards making up the Number required as aforesaid.

153. The Deputy Lieutenants shall proceed in manner aforesaid for the supplying of any further Part or Proportion of the Militia, in case any further Part be afterwards ordered by Her Majesty to be embodied, and shall during the whole of the Time that a Part or Proportion only of the Militia remains embodied, supply all Vacancies in any such Part or Proportion out of the Classes as they stand in Succession, and shall in no Case proceed to ballot for the supplying of any Vacancy out of any Class until all the Men contained in the preceding Class or Classes who are able and fit to join such Militia have been chosen for that Purpose.

Further Proportion as well as Vacancies to be supplied in like manner.
42 G. 3. c. 90. s. 134. part.

154. If any Person enrolled by virtue of this Act, and not chosen or balloted as aforesaid, who has not any Child or Children living, offer himself as a Volunteer to be embodied in the Room of any Person so chosen or balloted, it shall be lawful for the Deputy Lieutenants at any Meeting to accept such Volunteer in the Room of such Person so chosen or balloted as aforesaid, and such Person so accepted shall serve as if he had himself been so chosen or balloted in manner aforesaid.

Any Person enrolled and not chosen, not having a Child, may be accepted as a Volunteer.
42 G. 3. c. 90. s. 136. altered.

155. Every Man of the said Militia who appears and attends at the Meeting for choosing or balloting as aforesaid, and who is not chosen or balloted as aforesaid, shall be entitled to an Allowance, after the Rate of *One Shilling* per Diem, during the Time he is necessarily employed from Home, in going to, continuing at, and returning from the Place to be appointed for such Ballot, not to exceed *Three Days*, to be paid by the Clerk of the Subdivision in which such Man is enrolled; and on the Certificate of the Number of Men so paid under the Hands of Two or more Deputy Lieutenants the Receiver General of Inland Revenue of such County shall, out of any Monies in his Hands, reimburse the said Clerk the Sums so paid.

Men attending at the Ballot, and not chosen, to be paid by Clerk 1*s.* per Diem while from Home, to be reimbursed by Receiver General.
42 G. 3. c. 90. s. 137.

156. The respective Clerks of the Subdivisions are hereby authorized to draw on such Receiver General for such Sum or Sums of Money as such Deputy Lieutenants shall, by any Order under their respective Hands, direct and appoint, which Sum or Sums of Money shall be applied by such respective Clerks for paying the Allowances herein-before directed to be made; and the Receipt of any such Clerk, together with such Order, shall be to the said Receiver General a sufficient Discharge for the Payment of such Sum or Sums of Money, and be allowed in his Account.

Clerks may draw upon the Receivers General, by Order of the Deputy Lieutenants, &c., for Money to pay Allowances.
42 G. 3. c. 90. s. 138.

157. The Clerk of each Subdivision shall, when required by such Deputy Lieutenants, make out an Account of the respective Sums of Money by him received and paid in pursuance of this

Clerks, when required to make out Accounts of

Monies received and paid, to be examined and allowed.
42 G. 3. c. 90. s. 139.

Act, to be by them examined, allowed, and signed; and the Account, so examined, allowed, and signed, shall be the proper Voucher and Acquittal of such Clerk for the Application and Disposal of such Money.

Provisions common to Training and Exercise and Embodiment.

How Notices of Times and Places of Exercise and for Meeting on Embodiment to be given.
17 & 18 Vict. c. 13. s. 4.
17 & 18 Vict. c. 105. s. 39.
18 & 19 Vict. c. 1. s. 15.

Overseers are here substituted for Constables, conformably to the Alteration made by 23 & 24 Vict. c. 120. in the Machinery for the Ballot.
The Two last Paragraphs, as well as so much of the previous Paragraph as is connected with them, do not at present seem to apply to Embodiment.

158. Where the whole or any Part of the Militia is called out for Training, or is embodied, Notices to the Men enrolled in the Militia to attend Training and Exercise, or to attend at the Time and Place fixed by the Lieutenant of the County, or any Persons acting in his Stead, for the assembling of the Militia so embodied, shall be sent by or by the Order of the Commanding Officer of the Regiment to which such Men belong, by the Post, to the Residences of the several Men as stated on their Attestations, or as subsequently notified by them, and Notices shall also be sent by the Post to the Overseers of the respective Parishes in which such Men are so stated to be resident, with Directions to cause the same to be published in their respective Parishes as in this Act directed;

and such Overseers as aforesaid shall, within Three Days after the Receipt of any such Notice, cause the same or Copies thereof to be published accordingly; and any such Overseer who wilfully neglects so to do shall for every such Offence, on Conviction thereof before Two Justices, forfeit any Sum not exceeding Twenty Pounds:

and such last-mentioned Notice shall be deemed a sufficient Notice, notwithstanding any Omission in the Notices by Post; and any such Man not appearing at the Time and Place appointed in any such Notice shall be subject to be punished and dealt with accordingly.

Pay of Permanent Staff, and Pay of Officers and Men during Training and Embodiment, and Pensions.

Pay, &c. of Permanent Staff while disembodied.
Militia Pay Act, 1867, s. 1. in part; and see 42 G. 3. c. 90. s. 83.

159. The Permanent Staff shall, while disembodied, be entitled to Pay at the daily Rates following; (that is to say,)

	Infantry.			Artillery.		
	£	*s.*	*d.*	£	*s.*	*d.*
Each Adjutant - - - - - -	*0*	*10*	*0*	*0*	*10*	*0*
„ Quartermaster—						
where appointed in a Regiment consisting of not less than 360 Private Men - -	*0*	*5*	*0*	*0*	*5*	*0*
where appointed in a Regiment of less than 360 Private Men - - - -	*0*	*3*	*6*	*0*	*3*	*6*
„ Serjeant Major, where appointed in a Regiment consisting of Two or more Companies -	*0*	*3*	*2*	*0*	*3*	*8*
„ Quartermaster Serjeant (in a Regiment whose Establishment exceeds Four Companies) -	*0*	*2*	*8*	*0*	*3*	*0*
„ Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in a Regiment consisting of Four Companies or less) - - - -	*0*	*2*	*8*	*0*	*3*	*0*

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Each Serjeant Instructor of Musketry or Gunnery -	0	2	0	0	2	8
" Paymaster Serjeant (in a Regiment whose Establishment exceeds Four Companies) -	0	2	0	0	2	8
" Serjeant, Orderly Room Clerk, Drum Major, or Bugle Major - - - -	0	2	0	0	2	8
" Drummer, Trumpeter, Bugler, or Fifer— above Sixteen Years of Age - -	0	1	3	0	1	5
and if under Sixteen Years of Age -	0	1	0	0	1	0

Provided always, that when any Non-commissioned Officer or Man on the Permanent Staff is absent on Furlough or Licence, he shall during such Absence receive Sixpence a Day less than the above-mentioned Rates respectively:

And the Permanent Staff shall be entitled to be clothed once in Two Years.

Rates of Pay, &c. during Training and Exercise.

42 G. 3. c. 90. s. 78. altered.

Militia Pay Act, 1867, s. 8.

160. The Officers and Men of the Militia shall, when called out for the Purpose of Training and Exercise, be entitled to not less than the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel - - - -	1	2	6	1	2	6
Lieutenant-Colonel - - - -	0	15	11	0	15	11
Major - - - - - -	0	14	1	0	14	1
Captain (including non-effective Allowance) -	0	10	6	0	10	6
Lieutenant - - - - -	0	6	6	0	6	6
Ensign - - - - - -	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards	0	3	9	0	3	9
" if acting also as Paymaster in Corps consisting of less than Four Companies -	0	2	6	0	2	6
Adjutant, if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards - - -	0	7	0	0	7	0
" if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies - - -	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff) -	0	6	6	0	6	6
" (if holding a Subaltern's Commission, and if not on the Permanent Staff)	0	3	6	0	3	6
" (if on the Permanent Staff in Corps of not less than 360 Private Men)	0	1	6	0	1	6
" (if on the Permanent Staff in Corps of less than 360 Private Men) -	0	3	0	0	3	0
Surgeon - - - - - -	0	11	4	0	11	4
Assistant Surgeon - - - -	0	7	6	0	7	6
Serjeant Instructor of Musketry or Gunnery, in addition to the daily Rate of Pay granted by Sec. 1.	0	1	0	0	1	0
Serjeant (not on the Permanent Staff) - -	0	1	8¾	0	2	8
Corporal - - - - -	0	1	4¼	0	1	6¼
Private - - - - -	0	1	2	0	1	4
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn - - - -	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Man (including the Permanent Staff) present at Training and Exercise - -	0	0	1	0	0	1

Her Majesty may order increased Pay to Militia Men attached to the Artillery. *15 & 16 Vict. c. 50. s. 29. but expressly restricted here to Period of Training.*

161. It shall be lawful for Her Majesty, if She think fit, to order that during the Period of Training and Exercise any Militiamen who are attached to the Service of the Artillery, and do Duty as Artillerymen, shall receive, during the Time of their serving and doing Duty as Artillerymen as aforesaid, increased Pay, not exceeding the like Pay as any of the Men serving in the Royal Corps of Artillery are or may be entitled to, and it shall also be lawful for Her Majesty to direct the same to be paid for such Periods, and under and subject to such Regulations and Restrictions, as Her Majesty may from Time to Time deem proper and necessary.

Rates of Pay, &c. during Embodiment. *42 G. 3. c. 90. ss. 78. 117. altered.*

162. The Officers and Men of the Militia shall, when embodied, be entitled to not less than the following daily Rates of Pay and Allowances:

Pay, &c. when to commence. *42 G. 3. c. 90. ss. 92. 117. altered. The present Act gives Pay from the Date of Her Majesty's Warrant for drawing out the Militia.*

163. The Pay and Allowances to which any Officer or Man shall be entitled by reason of being called out for Training and Exercise or being embodied shall commence upon the Day on which he joins his Regiment.

164. All

Officers disabled entitled to Half Pay; Permanent Staff and Privates, to like Benefits as disabled Soldiers; and Widows of Officers, to Pensions. *51 G. 3. c. 118. s. 7. altered in terms.*

164. All Commissioned Officers disabled in actual Service shall be entitled to Half Pay according to their Ranks;

all Non-commissioned Officers, Drummers, and Private Men so disabled shall be entitled to the Benefit of the Regulations for the Time being in force in relation to Pensions to disabled Soldiers;

and the Widows of all Commissioned Officers killed in Service shall be entitled to receive such Pensions for Life as are given to Widows of Officers in Her Majesty's Regular Forces.

Pensions to Persons not being Commissioned Officers after 20 Years Service. *42 G. 3. c. 90. s. 86. part altered.*

165. Persons other than Commissioned Officers who, having faithfully served on the Permanent Staff for Twenty Years, are discharged on account of Age or Infirmity, shall, on the joint Recommendation of the Commanding Officer of the Regiment, and the Lieutenant or Two or more Deputy Lieutenants of the County, or (on the Death, Removal, or in the Absence of the Lieutenant) of the Commanding Officer and Three or more Deputy Lieutenants of the County, be entitled to Examination at the Chelsea Board, and be capable, subject nevertheless to the Rules and Regulations of such Board affecting Out-Pensioners, of being placed as Out-Pensioners on the Establishment of the said Hospital, if the said Board should judge them deserving thereof.

Application of Mutiny Act and Articles of War.

Application of Mutiny Act and Articles of War.

166. Subject to the Provisions of this Act, the Mutiny Act and Articles of War shall be applicable to and in respect of the Militia as follows; that is to say,

As to Permanent Staff, Militia Pay Act, 1867, s. 7., and see 17 & 18 Vict. c. 105. s. 34.

such Act and Articles shall at all Times be applicable to all Members of the Permanent Staff, and to all Persons whomsoever in respect of such Members, as fully as such Act and Articles may be applicable to and in respect of Her Majesty's Regular Forces;

As to Militia under Training, 42 G. 3. c. 90. s. 89. part, and s. 94.

As to embodied Militia, 42 G. 3. c. 90. s. 111.

such Act and Articles shall, during such Time as any Regiment is assembled for the Purpose of being trained and exercised, or is embodied, be applicable as aforesaid to and in respect of such Regiment, and the Officers, Non-commissioned Officers, Drummers, and Private Men thereof, but so that no Punishment in respect of any Offence committed during such Time as such Regiment is assembled for the Purpose aforesaid shall extend to Loss of Life;

As to Time of preliminary Instruction, 23 & 24 Vict. c. 94. s. 14. and c. 120. s. 19.

such Act and Articles shall be applicable as aforesaid to and in respect of any Officer or Private Man during the Time he is required to attend at Head Quarters or elsewhere for preliminary Instruction, in like Manner as if his Regiment were assembled for the Purpose of being trained and exercised.

Officers of the Army not to sit on Militia Trials, and vice versâ.
42 G. 3. c. 90. s. 115. the proviso is new.

167. No Officer serving in Her Majesty's Regular Forces shall sit in any Court-martial upon the Trial of any Person serving in the Militia, nor shall any Officer serving in the Militia sit in any Court-martial upon the Trial of any Person serving in Her Majesty's Regular Forces.

But this Enactment shall not apply to a Militiaman attached for a Time as herein provided to any Regiment of Her Majesty's Regular Forces.

Men not attending or absenting themselves during Training deemed Deserters.
42 G. 3. c. 90. s. 99. part. 17 & 18 Vict. c. 105. s. 45. part.

168. Any Militiaman who, without Leave lawfully granted, or Sickness certified according to any Regulations made by the Secretary of State, does not appear at the Time and Place appointed for the Training and Exercise of his Regiment (Notice having been given as by Law required), or having joined such Regiment, deserts or absents himself during the Time of Training and Exercise, shall be deemed a Deserter.

The earlier of the Two Enactments in the Margin imposes pecuniary Penalties for the Offences mentioned in this Clause, where the Offender is not taken until after the Time of Training. The later Enactment appears to apply only to Volunteers, and imposes a pecuniary Penalty, without Reference to the Time at which the Man is taken. These Provisions as to Penalties are here treated as virtually repealed by 22 & 23 Vict. c. 38. s. 12.

Provision for Apprehension of such Men.
17 & 18 Vict. c. 105. s. 46.

169. The Commanding Officer of any Regiment shall notify the Names and Descriptions of all Militiamen belonging to such Regiment who do not appear, or who desert or absent themselves, as mentioned in the last preceding Enactment, to the Secretary of State for War, and to the Constables or other Officers of the Parishes and Places in which such Militiamen reside;

and it shall be lawful for any Constable or other Peace Officer, or any Officer or Soldier in Her Majesty's Service or in the Militia, to apprehend any such Militiaman or cause him to be apprehended, and to bring him or cause him to be brought before any Justice at any Time within the Period of his Engagement in the Militia, to be dealt with according to Law, or to be committed to safe Custody until an Escort can be sent for him, if such Regiment be then out for Training and Exercise;

and such Justice shall transmit a Report, in the Form in Schedule (G.) to this Act, to the Secretary of State for War;

and such Secretary of State shall transmit to such Justice an Order for the Payment to the Person or Persons by whom such Militiaman was apprehended and secured of such Sum not exceeding Twenty Shillings as such Secretary of State may think fit.

Special Provisions as to Absence from Training and Exercise.

170. Save as herein-after otherwise provided, any Bounty which may be payable during or in respect of Attendance at Training and Exercise shall be forfeited by any Volunteer who wholly absents himself from such Training and Exercise without Leave lawfully granted, or Sickness certified according to any Regulations made by the Secretary of State;

and any such Bounty which would otherwise be payable to any Volunteer who partially absents himself as aforesaid without such Leave, or such Sickness certified as aforesaid, or who misconducts himself during the Training, shall be wholly withheld, or issued only in such Manner and in such Portions as the Secretary of State, upon the Report of the Commanding Officer, shall determine.

Provision for withholding Payment of Bounty from Men wrongfully absent from Training.
17 & 18 Vict. c. 105. s. 43.

171. Any Militiaman who unlawfully absents himself during the whole of the Time of Training and Exercise in any Year, or during any Part of such Time exceeding Fourteen Days, shall, whether he have or have not been punished for his Offence, be liable to serve, after the Expiration of the Term for which he may have been enrolled, or would independently of this Enactment be liable to serve, for an additional Year for every annual Period of Training and Exercise from or during which he so absents himself;

and in every such Case the Commanding Officer shall make an Entry on the Roll in which such Militiaman is enrolled of his Absence as aforesaid, and such Entry shall be conclusive Evidence of the Fact of such Militiaman having so absented himself.

Addition to Term of Service of Militiamen absent from annual Training.
22 & 23 Vict. c. 38. s. 9. extended to all Militiamen.

172. Whenever a Volunteer who has been punished for Absence from Training and Exercise subsequently serves for an additional Year or Years for the annual Period or Periods of Training and Exercise from or during which he absented himself, he shall be entitled to receive the same Bounty which would have been payable to him during or in respect of Attendance at Training and Exercise.

Volunteer punished for Absence from Training, and afterwards serving for additional Period, to receive his Bounty.
Militia Pay Act, 1867, s. 9.

Special Provisions as to Desertion where Militia embodied at the Time or afterwards.

173. Any Militiaman ordered to be embodied who, without Leave lawfully granted or Sickness certified as aforesaid, does not appear at the Time and Place appointed for the assembling of his Regiment, and march in pursuance of any Order or Direction under this Act, shall be deemed a Deserter.

Militiamen not joining when embodied deemed Deserters.
42 G. 3. c. 90. s. 116. part.
17 & 18 Vict. c. 13. s. 4.
See in connexion with this Clause 42 G. 3. c. 90. s. 127.

Addition to Term of Service of Deserters from Embodied Militia.
23 & 24 Vict. c. 94. s. 16.

174. Every Deserter from any Regiment which is embodied at the Time of such Desertion or afterwards, shall, whether he have or have not been punished for his Offence, be liable to serve for an additional Period equal to the Time which may have elapsed between the Time of his Desertion and the Time when he is apprehended or voluntarily returns to his Regiment; the Period of such additional Service to commence from the Expiration of the Period for which he was enrolled, or would independently of this Enactment be liable to serve, or from the Time of his Apprehension or Return, which may last happen.

Trial and Punishment of Deserters when Militia is neither embodied nor assembled for Training.

Deserters may, when Militia not embodied or assembled for Training, be proceeded against summarily before Justices, or tried by Court-martial.
22 & 23 Vict. c. 38. s. 12. 23 & 24 Vict. c. 94. s. 15., altered so as not to apply while Militia not embodied or assembled for Training.

175. Every Deserter from the Militia, and every Person who under this Act is deemed a Deserter, shall, whenever he is apprehended, and whether his Term of Service have or have not expired, unless his Regiment be embodied or assembled for Training and Exercise at the Time he is brought to Trial, be tried and punished as follows; that is to say,

at any Time within One Month after his Apprehension, unless it be shown to the Justice or Justices before whom he is proceeded against that the Secretary of State has, under the Provision herein-after contained, ordered him to be tried by a Regimental Court-martial, be tried summarily by any Justice or Justices in any Part of the United Kingdom where he may be when summary Proceedings against him are instituted, and upon summary Conviction before such Justice or Justices such Deserter or Person shall forfeit any Sum not less than Forty Shillings and not more than Twenty Pounds, and in default of Payment shall be committed to the Common Gaol or House of Correction, to be imprisoned, with or without Hard Labour, for any Time not less than Two Months and not more than Six Months;

and where the Secretary of State has, under the Provision herein-after contained, ordered such Deserter or Person to be tried by a Regimental Court-martial, such Deserter or Person shall be tried by such Court-martial and punished in manner provided for the Punishment of Deserters by the Mutiny Act and Articles of War with regard to Persons subject to such Act and Articles who are tried by District Court-martial, but so that no Punishment shall extend to the Loss of Life.

Secretary of State may make Regulations, &c.

176. The Secretary of State may from Time to Time, by any general or special Regulations or Directions, order any such Deserter or Person as mentioned in the last foregoing Enactment, or any Class or Description of such Offenders, with reference to the Time of their being apprehended or otherwise, to be tried by Regimental Court-martial as aforesaid.

for Trial of Deserters by Court-Martial.
23 & 24 Vict. c. 94. s. 15.

Reduction to the Ranks of Non-commissioned Officers, &c.

177. Any Non-commissioned Officer or Drummer may, by Sentence of a Court-martial, be reduced to the Condition of a Private Militiaman, to serve as such during any Time not exceeding Fifteen Months if his Regiment be not embodied at the Time he is sentenced, and if his Regiment be then embodied then to serve as aforesaid until the disembodying of such Regiment; after which disembodying, or at the End of the said Fifteen Months, as the Case may be, if not regularly re-appointed to the Rank of a Non-commissioned Officer or Drummer, he shall be discharged from the Service.

Non-commissioned Officers and Drummers may be reduced to the Ranks for a certain Period, &c.
42 G. 3. c. 90. s. 105.

Court-martial during Training.

178. It shall be lawful for the Officer commanding and present with any Detachment or Division of Militia called out to Exercise, not being under the Rank of Captain, to order, when he thinks it necessary, a Regimental Court-martial to be held for the Trial of any Offence committed by any Non-commissioned Officer, Drummer, or Private Man under and during his Command;

and if a sufficient Number of Officers be not present to constitute such Court-martial, it shall be lawful for the Commanding Officer of the Regiment to which such Detachment or Division of Militia belongs, upon Application to him by the Officer commanding such Detachment or Division for that Purpose, to order a sufficient Number of Officers of proper Rank to attend for the Purpose of assisting at such Court-martial, who shall forthwith attend the same, and assist as Members thereof;

and the Sentence of every such Court-martial shall in every Case be submitted to the Commanding Officer of the Regiment to which such Detachment or Division belongs, (or in his Absence from the County or Counties to which the Regiment belongs) to the Senior Field Officer within the same, for his Approval thereof, who shall cause such Sentence to be put in execution, mitigated, or remitted, as he in his Discretion thinks best for the Service.

Officer commanding any Division called out to Exercise, not under Rank of Captain, may order Court-martial, and Commandant of the Regiment, on Application, to order a sufficient Number of Officers to attend: Sentence to be submitted to Commandant.
42 G. 3. c. 90. s. 89., part.

Court-martial after Periods of Training and Embodiment for Offences then committed, and for Members of Permanent Staff when neither embodied nor assembled for Training.

179. Every Officer, Non-commissioned Officer, Drummer, and Private Man who, during the Period of Training and Exercise, or during

Offences committed while Militia are assembled for Training, or embodied, may be afterwards tried by Court-martial;

during the Period of his Regiment being embodied, has been guilty of any Offence against any Act in force for the Punishment of Mutiny and Desertion, or any Articles of War made in pursuance thereof, may be tried by any General or Regimental Court-martial, consisting of Officers of the Militia, and if found guilty may be punished for such Offence, although he have been dismissed from Training and Exercise, or his Regiment have been disembodied, in like Manner as he might be tried and punished during the Period of Training and Exercise or being embodied:

but Charges to be made out and delivered within Six Months after Training or being disembodied. *55 G. 3. c. 168. ss. 1, 2. 56 G. 3. c. 64. s. 5. 22 & 23 Vict. c. 38. s. 12.*

Provided always, that, save as in this Act otherwise provided, no Officer, Non-commissioned Officer, Drummer, or Private Man shall be tried or punished as aforesaid after he has been dismissed from Training and Exercise, or after his Regiment is disembodied, unless the Charges against such Officer, Non-commissioned Officer, Drummer, or Private Man have been made out and delivered within Six Months after he has been dismissed from Training and Exercise, or after his Regiment has been disembodied.

General Courts-martial may be appointed in the above-mentioned Cases, and for Trial and Punishment of Permanent Staff. *55 G. 3. c. 168. s. 3. 56 G. 3. c. 64. s. 4. altered.*

180. Whenever in any of the Cases mentioned in the last preceding Enactment, and whenever, for the Trial and Punishment of any Member of the Permanent Staff for any Offence against the Mutiny Act or Articles of War while the Militia is neither embodied, nor assembled for Training and Exercise, it is necessary that a General Court-martial should be held, it shall be lawful for Her Majesty to signify Her Pleasure to such and so many Lieutenants of Counties as Her Majesty deems necessary, that Officers of their respective Counties will be required to assemble to form such Court, and every such Lieutenant shall thereupon give Orders to such Officers as are required, who shall forthwith attend to form such Court.

It is assumed that ss. 103 and 104 of 42 G. 3. c. 90. are virtually repealed by 56 G. 3. c. 64. s. 4. so far as regards the Mode of Trial.

Regimental Courts-martial may be appointed. *55 G. 3. c. 168. s. 4. 56 G. 3. c. 64. s. 4. altered.*

181. For holding a Regimental Court-martial in any of the Cases mentioned in either of the Two last preceding Enactments for which such Court-martial is proper, or whenever a Regimental Court-martial is required to be holden for the Trial of any Deserter, or Person ordered to be so tried, under the Provision in that Behalf herein-before contained, it shall be lawful for the Commanding Officer of the Regiment to appoint any Place which he thinks fit within the County or One of the Counties to which such Regiment belongs, and to order any Officers of such Regiment to attend and assist as Members of such Court-martial, who shall thereupon attend at the Time required, and assist accordingly.

182. All Officers who refuse or neglect to attend any such General or Regimental Court-martial as aforesaid shall be liable to be tried by a General Court-martial, to be assembled according to this Act, for such Disobedience of Orders;

Consequences of Officers not attending.

and all Officers attending to form any such Court shall be entitled to Pay during such Attendance, and to such Allowances for their Travelling Expenses in going to such Court-martial and returning therefrom, as the Secretary of State may by Regulations from Time to Time direct.

Pay and Allowance to Officers.
55 G.3. c.168. ss. 3, 4.
56 G. 3. c. 64. s. 4.
23 & 24 Vict. c. 94. s. 19.

183. Every General or Regimental Court-martial appointed as aforesaid shall be sworn and held in the same Manner as if the Militia were embodied at the Time of holding the said Court-martial, and shall have the like Powers and be of the same Effect in all respects as if the Militia from which the Officers thereof are assembled was then embodied, save as in this Act otherwise provided.

Court-martial how to proceed.
55 G.3. c.168. ss. 3, 4.
56 G. 3. c. 64. s. 4.

Consequences of fraudulent Re-enrolment in Militia.

184. If any Militiaman before the Expiration of his Engagement as a Militiaman in any Regiment enrol or offer to enrol himself in any other Regiment of Militia raised in any Part of the United Kingdom, or in the same Regiment, (save in the Way of lawful Renewal of his Engagement,) whether by the same or by different Names, he shall be deemed a Deserter.

The Enactment from which this Clause is taken is confined to Volunteers.

Fraudulent Re-enrolment to be deemed Desertion.
22 & 23 Vict. c. 38. s. 10.
See also 42 Geo. 2. c. 90. s. 64. and 57 G. 3. c. 57. s. 3.

185. If any Militiaman before the Expiration of his Engagement enrol or offer to enrol himself as a Militiaman as aforesaid, he may, by Order of the Secretary of State, be required to serve in any Regiment of Militia in which he may have fraudulently enrolled or offered to enrol himself, and shall thereupon be liable to serve in such Regiment, for the same Term and in the same Manner as if his Enrolment therein had been lawful, or he had been lawfully enrolled pursuant to his Offer;

and such Order may be made upon any such Militiaman in lieu of or in addition to any Punishment to which he may be otherwise liable, whether he may have been tried by a Court-martial or before a Justice;

and every such Offender shall forfeit all Bounty (if any) due or which would have become due to him, and shall be subjected to such Stoppages from his daily Pay, and for such Time, and to be applied in such Manner, as the Secretary of State may direct, to

Militiamen fraudulently re-enlisting to be subject to serve in any Regiment in which he has enlisted, and to Stoppages.
22 & 23 Vict. c. 38. s. 11.
The Enactment from which this Clause is taken is also confined to Volunteers.

meet the Loss or Expense occasioned by the fraudulent Conduct of the Offender.

The Justice before whom a Militiaman is convicted of Re-enlistment in the Militia to send Report of Conviction to Secretary of State.

17 & 18 Vict. c. 105. s. 41., which, however, only applies to Militia Volunteers.

186. The Justice before whom a Militiaman is convicted of having enrolled or offered to enrol himself in another Regiment of Militia, or more than once in the same Regiment, shall send or cause to be sent to the Secretary of State for War a Report of such Conviction, stating the Name of such Militiaman, the Regiment to which he belongs, the Offence of which he has been convicted, and the Sentence or Decision of the Justice thereon, and, where such Militiaman is imprisoned in pursuance of such Conviction, the Period when the Imprisonment will expire; and for such Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and the said Secretary of State may transmit to the Justice so convicting an Order for the Payment to any Person who has apprehended and procured the Conviction of such Offender of such Sum not exceeding Twenty Shillings as he may think fit.

Consequences of Militiaman's enlisting into the Regular Forces or entering the Navy.

Enlistment or Entry of a Militiaman into Land or Sea Forces void.

42 G. 3. c. 90. s. 64. part.

187. If any Person knowingly enlist or enter any Militiaman into Her Majesty's Regular Forces or Royal Marines, or into Her Majesty's Navy, except where herein authorized, the Enlistment or Entry shall, save as herein otherwise provided, be null and void:

And if any Militiaman enlisting or entering into Her Majesty's Regular Forces or Royal Marines, or Her Majesty's Navy, deny or do not disclose to the Person enlisting or entering him that he belongs to the Militia, he shall be deemed to have enlisted or entered fraudulently.

The Enactment from which this Clause is taken does not apply to Entry for the Navy.

The Second Paragraph is new in Terms, but will serve to connect this and the following Clauses.

Fraudulent Enlistment or Entry into Land or Sea Forces by Militiaman punishable as Desertion.

Militiaman so enlisting or entering may be put under Stoppages,

188. If any Militiaman fraudulently enlist into Her Majesty's Regular Forces or Royal Marines, or fraudulently enter into Her Majesty's Navy, he shall be liable to be tried by Court-martial and punished as for Desertion from the Service into which he has fraudulently enlisted or entered:

Provided always, that it shall be lawful for the Secretary of State to give such general Directions as may from Time to Time appear to him necessary for placing any Militiaman fraudulently enlisting into and attested for the Regular Forces or Marines, or entering into Her Majesty's Navy, under Stoppage of One Penny a Day of his Pay for Eighteen Months in lieu of his being tried by Court-martial as aforesaid; and further to give such general Directions as to the Manner in which such Stoppage shall be applied, and whether, on making good the same, the Man shall be returned to his Militia Regiment, or be deemed to be a Soldier or Marine or to belong to the Navy, in the same Manner as if he had not been a Militiaman at the Time of his Attestation or Entry; but if the Militia Regiment to which such Man belongs be within the United Kingdom, the Secretary of State shall not cause him as aforesaid to become a Soldier or Marine, or to belong to the Navy, except with the Consent of the Commanding Officer of such Militia Regiment.

&c. instead of being tried by Court-martial as a Deserter.

23 & 24 Vict. c. 94. s. 18.
30 & 31 Vict. c.13. (Mutiny Act) s. 50. part, and c. 14. (Marine Mutiny) s.66.; and see 57 G. 3. c. 57. s. 3.;
17 & 18 Vict. c. 105. s. 42.

Where under such Direction as aforesaid such Militiaman is to belong to the Regular Forces or Marines, or the Navy, from the Time of his Attestation or Entry, he shall be deemed released from further Service in the Militia under his Enrolment, and his Place shall be supplied as if his Term of Service in the Militia had expired by Efflux of Time.

> *The first Part of the Section of the Mutiny Act referred to in the Margin is here altered so as to make it clear from what Service the constructive Desertion is to be. This Clause varies in some respects from the existing Enactments, but only, it is conceived, so far as to harmonize them.*

189. It shall be lawful for the Commanding Officer of any Regiment of Militia, pursuant to any Regulations or Directions of the Secretary of State, to authorize any Militiaman belonging to such Regiment to enlist in Her Majesty's Regular Forces, and to give to any such Militiaman a conditional Discharge from the Militia, to become absolute on his being enlisted into, attested, and finally approved for Her Majesty's Regular Forces within a Time limited by such Commanding Officer, in pursuance of such Regulations or Directions; and in case such Militiaman be so enlisted, attested, and finally approved within the Time so limited, his Enlistment shall be valid; but otherwise such Discharge shall be void.

Permissive Enlistment of Militiamen in the Regular Forces.

23 & 24 Vict. c. 94. s. 17.

The existing Enactment extends only to Volunteers.

Consequences of Men of the Reserve Force, &c. enlisting in the Militia.

190. If any Person enrol in the Militia any Man who is enrolled in the Reserve Force established under the Act of the Session holden in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Forty-two, or any Act repealing or amending the same, the Enrolment of such Man in the Militia shall be null and void;

Provision against Enrolment in Militia of Men belonging to the Reserve Force.

This Clause is new.

and any such Man enrolling or offering to enrol himself in the Militia shall forfeit any Sum not exceeding double the Bounty *he may have received in respect of his Enrolment in the said Reserve Force ;*

and any Person knowingly enlisting or enrolling any such Man in the Militia shall forfeit any Sum not exceeding Twenty Pounds.

Saving for Provisions in Acts establishing Royal Naval Coast Volunteers and Royal Naval Volunteers.
16 & 17 Vict. c. 73.
22 & 23 Vict. c. 40.
This Clause is new.

191. And whereas in the Acts of the Sessions holden respectively in the Sixteenth and Seventeenth and in the Twenty-second and Twenty-third Years of Her Majesty, for the Establishment of the "Royal Naval Coast Volunteers" and the "Royal Naval Volunteers" Provisions are contained for restraining the Enlistment of Volunteers under those Acts respectively in the Militia, and the entering of Militiamen to serve as such Volunteers; and it is expedient such Provisions should remain in force:

Therefore nothing in this Act shall affect either of the said Provisions.

Enrolment of Seafaring Men prohibited.

Seafaring Men not to be enrolled.
43 G.3. c. 50. s. 7. altered.

192. No Seaman or Seafaring Man shall be enrolled in the Militia.

Penalty for harbouring Deserters.

Penalty for inducing Militiamen to absent themselves, or harbouring them, &c.
42 G. 3. c. 90. ss. 110. 116. part altered. 17 & 18 Vict. c. 105. s. 47.

193. If any Person by Words or other Means persuade any Militiaman improperly to absent himself from his Duty, or assist or procure any Militiaman improperly to absent himself as aforesaid, or conceal, employ, or continue to employ any Militiaman, knowing him to be so improperly absent, he shall for every such Offence, where the Militia to which such Man belongs is not embodied, forfeit a Sum not exceeding Twenty Pounds, and where such Militia is embodied forfeit a Sum not exceeding *One hundred Pounds.*

The Mutiny Act shall not apply to any Offence punishable under this Enactment.

The Proviso is new, and its Intention is to prevent Conflict between this Clause and the Provisions making applicable the Mutiny Act.

The Enactments imposing Penalties on Militiamen for selling Arms, &c., and on others for buying Militia Arms or Stores, (see 42 G. 3. c. 90. s. 101., 17 & 18 Vict. c. 105. s. 48.,) are omitted, it being considered that the Enactments of the Mutiny Act and Articles of War sufficiently meet these Cases, and should apply.

Miscellaneous Provisions.

Lieutenants, Deputies, and Justices

194. In all Cases in the Execution of this Act, when any Matter is directed to be inquired of or examined into, upon the Oath of any

Witness, before any Lieutenant of any County, or any Deputy Lieutenant or Lieutenants, or Justice or Justices, any such Lieutenant, Deputy Lieutenant or Lieutenants, or Justice or Justices may administer such Oath; and all other Oaths to be taken in pursuance of this Act may be respectively administered by any Lieutenant or Deputy Lieutenant.

may administer Oaths. *42 G. 3. c. 90. s. 67.*

195. If any Servant whatever, hired by the Year or otherwise, be enrolled as a Militiaman by virtue of this Act, such Enrolment shall not vacate or rescind the Contract or alter the Engagement between such Servant and his Master or Employer, unless the Militia of the County for which such Servant is enrolled be embodied under this Act, or unless such Person so enrolled leave the Service of his Master or Employer for the Purpose of preliminary Instruction or Training and Exercise in pursuance of this Act, and do not return again to the same Service at the End of the Period of preliminary Instruction or Training and Exercise, or as soon after as reasonably may be, but his Master or Employer shall be entitled to an Abatement from his Wages in proportion to the Duration of his Absence from his said Service;

Enrolment of Servants not to vacate their Contracts with their Masters unless the Militia be embodied, &c.:

and in every such Case where any Dispute arises between such Servant and his Master or Employer touching any Money due to such Servant on account of Service performed before his Departure from Service, by reason of the Embodiment of the Militia in which he is enrolled, or touching any Abatement to be made by such Servant by reason of his Absence for preliminary Instruction or Training and Exercise, any Justice for the County or Place where such Master or Employer inhabits may hear and determine the same in a summary Way, and make such Order for the Payment of so much Wages to such Servant as, having regard to the Service he has performed, or the Duration of his Absence from his Service, as the Case may require, and as to such Justice may seem just, provided the Sum in question do not exceed the Sum of *Twenty Pounds.*

and if any Dispute arise touching Wages affecting a Sum under 20*l.* a Justice may settle it in a summary Way. *42 G. 3. c. 90. s. 61.*

196. In every Case in which the Family of any Private Man serving in any Militia which is embodied becomes chargeable in respect of any greater Number than the Wife and Three Children respectively under the Ages of Ten Years, it shall be lawful for the Overseers of the Parish for which such Man serves, or in which the Family of such Man resides, to provide another fit Man between the Ages of Eighteen Years and Thirty Years, and having no Wife and no Child under the Age of Ten Years, to serve instead of the Man having such Family as aforesaid;

Where more than a Wife and Three Children become chargeable, the Overseers may provide another Man to serve in Room of the Father.

Pay of such Man when to commence. *43 G. 3. c. 47. s. 22.*

and the Commanding Officer of the Regiment to which such Man belongs, upon such other Man being duly examined, approved of, and enrolled as a fit Man, and joining at the Head Quarters of the said Regiment, shall discharge the Man in whose Stead such other Person is so provided as aforesaid:

Provided always, that the Pay of every such Person so provided as aforesaid shall commence only from the Day of the Discharge of the Man in whose Stead he is provided:

Provided also, that no such Private Man shall be discharged at any other Period of the Year than between the *First Day of November* and the *Twenty-fifth Day of March.*

Special Provisions as to Berwick-upon-Tweed, Isle of Wight, Tower Hamlets, London, Miners of Cornwall and Devon, and Cinque Ports.

Berwick-upon-Tweed to be deemed Part of Northumberland. *See 42 G. 3. c. 90. s. 149. and 17 & 18 Vict. c. 105. s. 30.*

197. For the Purposes of this Act the Borough and Town of Berwick-upon-Tweed shall be deemed to be situate within the County of Northumberland.

Provision as to Isle of Wight. *42 G. 3. c. 90. s. 150.*

198. The Governor of the Isle of Wight shall appoint the Officers of the Militia to be raised in the said Isle, and shall act in the Execution of this Act in the same Manner as Lieutenants of Counties are hereby empowered and required to act, and shall appoint Five or more Deputies to act for him in and for the said Isle, which Deputies and Officers of the Militia shall be qualified in the same Manner, and are hereby empowered and required to act in the Execution of this Act in the same Manner, and under the same Directions, Provisions, and Penalties, as other Deputy Lieutenants and Officers of the Militia; and the Militia of the said Isle shall be raised in the same Manner as the Militia of the County of Southampton, and shall be deemed a Part of the Militia of the said County; and after the same is so raised the said Governor, and the Lieutenant Governor and Deputies shall order and direct the training and exercising of the said Militia within the said Isle, in the same Manner as Lieutenants and Deputy Lieutenants of Counties are by this Act authorized and directed to do in any County, and the Militia so raised within the said Isle shall be continued and remain within the said Isle as an internal Defence thereof, unless Her Majesty otherwise order and direct.

Militia of the Tower Hamlets. 37 G. 3 c. 25. 53 G. 3. c. 132.

199. And whereas under an Act of the Thirty-seventh Year of King George the Third, Chapter Twenty-five, (which Act was amended by an Act of the Fifty-third Year of King George the Third,)

Third), Her Majesty's Constable of the Tower and Lieutenant of the Tower Hamlets is empowered and required to call together, arm, array, and cause to be trained and exercised, the Militia in and for the Liberty or District of the Tower Division in the County of Middlesex, commonly known by the Name of the Tower Hamlets: And whereas under the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty, (hereby repealed,) a Part of the said Eighty thousand Men has been apportioned to be raised, and has been raised, as and for the Militia of the Tower Hamlets:

42 G. 3. c. 90. s. 153.
15 & 16 Vict c. 50. s. 35. altered.

15 & 16 Vict. c. 50.

The Number of Men so apportioned shall continue to form Part of the said Eighty thousand Men without Prejudice to the Power in this Act to alter Quotas; and in apportioning among the several Counties any additional Number of Men which may be required to be raised under this Act, a Part of such additional Number of Men shall be apportioned to be raised as and for the Militia of the Tower Hamlets; and the Number of Men already apportioned as aforesaid to be raised as and for the Militia of the Tower Hamlets, and any additional Number which may be apportioned as and for such Militia as aforesaid, shall be in lieu of the Number fixed by the said Act of the Thirty-seventh Year of King George the Third;

and all the Provisions of this Act for the raising and Enrolment of Men as well by voluntary Enlistment as otherwise, and for and in relation to the Payments to be made to Volunteers, the Qualifications of Deputy Lieutenants and Officers, and otherwise in relation to the Militia, shall extend and be applicable to and for the raising and Enrolment of Men for such Militia by and under the Authority of the said Constable and Lieutenant and his Deputy Lieutenants, and shall be applicable to such Constable and Lieutenant, Deputy Lieutenants, and the Officers of such Militia, and otherwise to such Militia;

and for the Purpose of the Application of such Provisions under this Enactment the said Governor and Lieutenant and his Deputy Lieutenants shall respectively be substituted for the Lieutenant and Deputy Lieutenants of a County, and the Clerk of the Peace for the Liberties of the Tower shall be substituted for the Clerk of the Peace of a County.

Saving for the Militia of the City of London.
1 G. 4. c. 100.
42 G. 3. c. 90. s. 153.
15 & 16 Vict. c. 50. s. 36. altered.

200. The Militia of the City of London shall continue to be raised and regulated under the Provisions of the Act of the First Year of King George the Fourth, Chapter One hundred; and, save as hereinafter otherwise expressly provided, nothing herein contained shall be taken to repeal or alter the Provisions of such Act, or any Act amending the same, but the Number of Militiamen required to be raised for such Militia shall be and form Part of the said Eighty thousand Men:

Provided always, that the Provisions of this Act for or in relation to the Payment to be made to Volunteers shall extend and be applicable to the Volunteers that may be raised for the said City of London:

Provided also, that the Militia of the said City shall be liable to serve in any Part of the United Kingdom, and, upon voluntary Offer, in the Channel Islands and Isle of Man, and may be embodied in the like Cases as other Militia; and in any Oath to be administered to Non-commissioned Officers, Drummers, or Private Men to be appointed or attested to or for the Militia of the said City, "United Kingdom" shall be substituted for "Kingdom of Great Britain."

Miners of Cornwall and Devon.
42 G. 3. c. 72.
51 G. 3. c. 114.
15 & 16 Vict. c. 50.

201. And whereas under the Act of the Forty-second Year of King George the Third, Chapter Seventy-two, Provision is made for raising a Body of Miners in the Counties of Cornwall and Devon in the Nature of a Militia Force, and such Act was amended by an Act of the Fifty-first Year of King George the Third, Chapter One hundred and fourteen: And whereas under the said Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty a Part of the said Eighty thousand Men has been apportioned to be raised and has been raised as and for the Regiment of Miners in the said Counties:

42 G. 3. c. 90. s. 154.
15 & 16 Vict. c. 50. s. 38. altered.
17 & 18 Vict. c. 105. s. 54.
18 & 19 Vict. c. 1. s. 16., c. 100. s. 6.

The Number of Men so apportioned shall continue to form Part of the said Eighty thousand Men without Prejudice to the Power in this Act to alter Quotas; and in apportioning any such additional Number of Men as aforesaid among the several Counties, a Part of such additional Number of Men shall be apportioned to be raised as and for the said Regiment of Miners;

and all the Provisions of this Act for the raising and Enrolment of Men as well by voluntary Enlistment as otherwise, and for and in relation to the Payments to be made to Volunteers, the Qualifications of Deputy Lieutenants and Officers, and otherwise in relation to the Militia, shall extend and be applicable to and for the raising and Enrolment of Miners in the Counties of Cornwall and Devon by and under the Authority of the Warden of the Stannaries of the Counties of Cornwall and Devon, and his Special Deputy Wardens, and to the said Regiment of Miners, but so that in the event of Men being required to be raised by Ballot for the said Regiment the Provisions of the said Act of the Forty-second Year of King George the Third, Chapter Seventy-two, and of any Act amending the same, shall (subject to the Provisions of this Act) be applicable and put in force for the Purpose of raising such Men, and

42 G. 3. c. 72.

and no Man shall be liable to be balloted for the said Regiment after Thirty Years of Age;

and for the Purpose of the Application of the Provisions of this Act under this Enactment the said Warden and Deputy Wardens shall be substituted for the Lieutenant and Deputy Lieutenants of a County.

Provision as to the Cinque Ports.
42 G. 3. c. 90. s. 155.

202. The Warden of the Cinque Ports, Two ancient Towns, and their Members, and in his Absence his Lieutenant or Lieutenants, shall put in execution within the said Ports, Towns, and Members all the Powers and Authorities contained in this Act, in the like Manner as Lieutenants of Counties and their Deputy Lieutenants may do; and shall keep up and continue the usual Number of Soldiers in the said Ports, Towns, and Members, unless he or they find Cause to lessen the same; and the Militia of the said Ports, Towns, and Members shall remain separate from the Militia of the several Counties within which the said Ports, Towns, and Members are situate; and it shall be lawful for the said Warden, or his Lieutenant or Lieutenants, in pursuance of Orders from Her Majesty, in the Manner prescribed by the Act of the Thirteenth and Fourteenth Years of King Charles the Second, notwithstanding One or more Months Pay advanced be not reimbursed, to raise and draw out the Soldiers into actual Service, and to cause the Persons charged as by the said Act to provide their Soldiers with Pay in hand, not exceeding One Month's Pay, in such Manner as if all the Pay advanced and provided had been reimbursed, and to use the like Powers, and to array, assess, and arm, muster and exercise, the said Soldiers, and to make Assessments, and issue Warrants for the Assessments made or to be made, for raising any Trophy Money, and for defraying the necessary Charges of Trophies and other incidental Expenses of the Militia of the said Ports, Towns, and Members, as hath been heretofore used, and according to their ancient Privileges and Customs, anything in the said Act or this Act to the contrary notwithstanding.

Publication of Notices, &c.

Publication of Notices, &c. how to be made.
42 Geo. 3. c. 90. s. 130. 17 & 18 Vict. c. 105. s. 39. 23 & 24 Vict. c. 120. ss. 9, 14. harmonized. Compare 6 & 7 Vict. c. 18. s. 23.

203. Every Notice, List, or other Document herein required to be published in any Parish shall be so published (unless herein otherwise directed) by being fixed on the Door or the outer Wall near the Door of every Church and public Chapel in such Parish, including Places of Public Worship which do not belong to the Established Church, or if such Parish have no such Church or Chapel, then in such Manner as Public Notices are usually made known in such Parish, and on the Door or the outer Wall near the Door of every such Church and Chapel of some Parish thereto adjoining.

Recovery and Application of Penalties.

Recovery of Penalties.
42 G. 3. c. 90. s. 176.
17 & 18 Vict. c. 105. s. 49. altered.
11 & 12 Vict. c. 43.

204. Every pecuniary Penalty imposed by this Act exceeding the Sum of Fifty Pounds shall be recovered by Action in any of Her Majesty's Superior Courts of Law at Westminster, and all other pecuniary Penalties imposed by this Act, the Recovery of which is not herein otherwise provided for, may be recovered by summary Proceedings before any Justice in or near to the Place where the Offence was committed, or where the Offender may at any Time happen to be, under the Provisions of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and any Acts amending the same.

It shall not be lawful for any Justice to mitigate any Penalty for any Offence against this Act below any Limit fixed by this Act, any Power contained in any Act to the contrary notwithstanding.

The last Paragraph is new, and is intended to carry out 27 & 28 Vict. c. 110., which might not, it is thought, apply to the Metropolitan Police Court Act, 9 Q. B. Reports 617.

Application of certain Penalties.
17 & 18 Vict. c. 105. s. 50. altered.

205. One Moiety of every pecuniary Penalty imposed under this Act upon any Person assisting, procuring, or persuading any Militiaman improperly to absent himself from his Duty, or concealing, employing, or continuing to employ any such Militiaman, knowing him to be so improperly absent, shall go to the Person who informs or sues for the same, and the other Moiety, or where the Offence is proved by the Person who informs then the whole of the Penalty, shall be paid over and applied in such Manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding;

and every Justice who adjudges any such Penalty shall, within Four Days, report the same, and his Adjudication thereof, to the Secretary of State for War.

Application of Penalties on Militiamen.
42 G. 3. c. 90. s. 176.
17 & 18 Vict. c. 105. s. 51.
22 & 23 Vict. c. 38. s. 14.

206. All pecuniary Penalties imposed by this Act upon Militiamen (except the Stoppages from Pay herein-before provided for, and except the Deductions from Bounty which shall be brought to Public Credit,) and all other pecuniary Penalties imposed by this Act, the Application of which is not herein otherwise provided for, shall, notwithstanding anything in any Act to the contrary, be paid to the Commanding Officers of the respective Regiments to which the Offenders belong, and shall be made and accounted for as Part of the Public Stock of such Regiments respectively.

Protection of Lieutenants and Deputy Lieutenants.

11 & 12 Vict. c. 44. to extend to County

207. The Provisions of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-four, shall extend to all Her Majesty's Lieutenants, and to all Deputy Lieutenants acting in the Execution of this Act, in like Manner and as fully and effectually as the same extend to Justices of the Peace acting in the Execution of their Office.

Lieutenants and Deputies.
42 G. 3. c. 90. s. 171. altered.

Savings for Civil Rights.

Commissions in Militia not to vacate Seats in Parliament.
42 G. 3. c. 90. s. 172.

208. The Acceptance of a Commission in the Militia shall not vacate the Seat of any Member returned to serve in Parliament.

Voters going to Elections of Members not punishable for Absence.
42 G. 3. c. 90. s. 173.

209. No Officer, Non-commissioned Officer, Drummer, or Private Man of the Militia shall be liable to any Penalty or Punishment for or on account of his Absence during the Time he is going to vote at any Election of a Member to serve in Parliament, or during the Time he is returning from such Election.

Enrolment in Militia not to cause Forfeiture of any Interest in any Friendly or Benefit Society.

210. No Man by reason of his Enrolment or Service in the Militia shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess, or may have possessed at the Time of his so being enrolled or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the contrary notwithstanding;

17 & 18 Vict. c. 105. s. 44. altered so as to adapt it to the under-mentioned Act.
18 & 19 Vict. c. 63. s. 41.

and in case any Dispute arise between any such Society and any such Man by reason of such Enrolment or Service, the same shall be heard and determined by the County Court as if the same were a Dispute directed to be so heard and determined by Section Forty-one of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-three.

s. 47.

Provided always, that nothing in this Enactment shall affect Section Forty-seven of such last-mentioned Act.

Exemptions from Civil Offices.

If Sheriff be a Militia Officer Under Sheriff answerable for him when Militia is embodied.
2 & 3 Vict. c. 59 s. 2.

211. If any Sheriff be an Officer of the Militia at any Time when the Militia of which he is such Officer is embodied, he shall be discharged from personally performing the Office of Sheriff while the Militia remains embodied, and the Under Sheriff shall be answerable for the Execution of the said Office, in the Name of the High Sheriff, during the same Time; and the Security given by the Under Sheriff, and his Pledges to the High Sheriff, shall stand a Security to the Queen, Her Heirs and Successors, and to all Persons whomsoever, for the due performing his Office during such Time.

Non-commissioned Officers, Drummers, and Men not liable to serve as Peace Officers. *42 G. 3. c. 90. s. 174, part, altered.*

212. No Officer, Non-commissioned Officer, Drummer, or Private Man of the Militia, shall be compelled to serve as a Peace Officer or Parish Officer.

The Enactment of 42 Geo. 3. c. 90. s. 175., giving the Privilege to Militiamen to set up Trade in Towns, is omitted, as being practically valueless, having regard to 5 & 6 Will. 4. c. 76. s. 14.; the latter Part of the same Section of the Act of Geo. 3. is made unnecessary by 31 Geo. 3. c. 101.

No Certiorari, &c. Limitation of Actions, &c.

Proceedings not to be quashed for Want of Form. *42 Geo. 3. c. 90. s. 177, altered.*

213. No Act, Order, or Proceeding in pursuance of this Act, or in relation to the Execution thereof, shall be removed by Certiorari or otherwise into any Court.

Limitation of Actions.

General Issue.

Full Costs.

42 G. 3. c. 90. s. 178.
5 & 6 Vict. c. 97. s. 2.

214. If any Action or Suit be brought against any Person for anything done in pursuance of this Act, such Action or Suit shall be commenced within Six Months next after the Fact committed, and shall be laid in the County or Place where the Cause of Complaint arose; and the Defendant in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and if the Jury find for the Defendant in any such Action or Suit, or if the Plaintiff be nonsuit, or discontinue his Action or Suit after the Defendant has appeared, or if upon Demurrer Judgment be given against the Plaintiff, the Defendant shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expenses incurred in and about such Action or Suit as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer, and shall have the like Remedy for the same as any Defendant has in other Cases to recover Costs by Law.

Repeal of Acts.

Repeal of existing Acts.
Saving for Commissions.
Terms of Service, &c.
See 42 G. 3. c. 90. ss. 1, 15, 16.
15 & 16 Vict. c. 50. s. 7.

215. The Acts mentioned in Schedule (H.) to this Act are hereby repealed to the Extent in such Schedule specified;

but such Repeal shall not revive any Enactment, or, save as herein otherwise provided, affect any past Act, or any existing Right or Title, or any Remedy in respect thereof, or the Proof of any past Act;

and all existing Regulations made under the Authority of any Enactment hereby repealed shall be of the same Force and Effect as if made under this Act;

and every existing Commission and Appointment shall be of the same Force and Effect for the Execution and for all the Purposes of this Act, and shall be revocable, in like Manner as if the same were granted hereunder; and the several Non-commissioned Officers, Drummers, and Private Militiamen serving or liable to serve at the Time of the passing of this Act shall be liable and continue to serve in the same Manner and for the same Period as if this Act had not been passed, but otherwise shall be subject to the Provisions of this Act, and shall be deemed, while serving, Part of the Quotas directed to be raised under this Act for their several Counties;

and any Offence against any of the said Acts committed before the passing of this Act shall be punished, and every Contract or Security entered into or given under any of the said Acts shall be of the same Force and Effect, as if this Act had not been passed, save that any Security for any Person holding any Appointment hereby continued shall continue in force with respect to the Duties to be executed by such Person under this Act under such Appointment;

and any unrepealed Act of Parliament in which Reference is made to the Provisions of any Act hereby repealed shall be construed as if in such first-mentioned Act Reference had been made to the corresponding Provisions of this Act.

SCHEDULES.

SCHEDULE (A.) *See Sect.* 6.

Quotas of Militiamen to be raised in the several Counties in England and Wales.

	Total Number to be raised.
England.	
Bedford - - - - - - - -	555
Berks - - - - - - -	777
Bucks - - - - - - -	749
Cambridge - - - - - - -	836
Chester - - - - - - - -	2,049
Cornwall, exclusive of the Stannaries - - - - -	1,217
The Stannaries - - - - - - -	362
Cumberland - - - - - - - -	876
Derby - - - - - - - -	1,367
Devon, exclusive of the Stannaries - - - - -	2,367
Dorset - - - - - - - -	814
Durham - - - - - - - -	1,762
Essex - - - - - - - -	1,686
Gloucester - - - - - - -	1,993
Hereford - - - - - - - -	538
Hertford - - - - - - - -	766
Huntingdon - - - - - - - -	296
Kent - - - - - - - -	2,600
Lancaster - - - - - - - -	9,046
Leicester - - - - - - - -	1,045
Lincoln - - - - - - - -	1,886
Middlesex, exclusive of the City of London and Tower Hamlets -	5,139
City of London - - - - - - -	600
Tower Hamlets - - - - - - -	2,318
Monmouth - - - - - - - -	750
Norfolk - - - - - - - -	1,968
Northampton - - - - - - -	974
Northumberland - - - - - - -	1,340
Nottingham - - - - - - - -	1,223
Oxford - - - - - - - -	773
Rutland - - - - - - - -	109
Salop - - - - - - - -	1,058
Somerset - - - - - - - -	1,946
Southampton - - - - - - -	1,736
Stafford - - - - - - - -	2,867
Suffolk - - - - - - - -	1,526
Surrey - - - - - - - -	2,977
Sussex - - - - - - -	1,518

	Total Number to be raised.
Warwick - - - - - - - -	2,148
Westmoreland - - - - - - -	269
Wilts - - - - - - - - -	1,166
Worcester - - - - - - -	1,267
York, East Riding - - - - - - -	977
York, North Riding, inclusive of the City of York - -	1,178
York, West Riding - - - - - - -	6,044
WALES :—	
Anglesey - - - - - - -	256
Brecon - - - - - - - -	286
Cardigan - - - - - - - -	301
Carmarthen - - - - - - - -	486
Carnarvon - - - - - - -	388
Denbigh - - - - - - - -	432
Flint - - - - - - - -	316
Glamorgan - - - - - - - -	1,086
Merioneth - - - - - - -	176
Montgomery - - - - - - - -	312
Pembroke - - - - - - -	384
Radnor - - - - - - - -	119
TOTAL -	80,000

SCHEDULE (B.) *See Sect.* 47.

FORM OF DECLARATION BY MILITIAMAN ON ATTESTATION.

43 G. 3. c. 50. Sched. (B.) with Alteration.

I do solemnly declare, That I am by my Trade a and have been usually resident in the Parish of in the County of that I am unmarried [*or* have a Wife living, *as the Case may be*]; and that I have no Children [*or* only One Child, born in Wedlock]; and that I have no Rupture, was never troubled with Fits, and am in nowise disabled by Lameness or otherwise, but have the perfect Use of my Limbs; that I am not a Seaman or Seafaring Man, or an Apprentice; and that I do not belong to His Majesty's Navy, Army, or Marines, or to the Reserve Force or to the Naval Coast Volunteers, or to any other Corps of Militia.

[*Signature of Declarant.*]

Declared before us at
this Day of
One thousand eight hundred
and

[*Signatures of Deputy Lieutenants.*]

SCHEDULE (C.) *See Sect.* 70.

FORM OF NOTICE TO HOUSEHOLDERS.

To

23 & 24 Vict. c. 120. Sch. A. altered, see Foot Note.

TAKE NOTICE, That you are hereby required, within Five Days from the Date hereof, to prepare and produce a List in Writing, to the best of your Belief, of the Christian Name and Surname of each and every Man resident in your Dwelling House between the Ages of Eighteen and Thirty Years, distinguishing every Person in your Dwelling House of such Age as aforesaid claiming to be exempt from serving in the Militia, together with the Ground of every such Claim of Exemption; and you are to sign such List with your own Name, and to deliver or cause the same to be delivered to us or One of us.

Dated the Day of .

A.B.
C.D.
Overseers of .

Description.	Names of Persons liable to serve.	Names of Persons exempt.	Ground of Exemption.*
Housekeeper - -	- - -	*A.B.*	
" - -	*C.D.*	—	
Lodger - - -	*E.F.*	—	
" - -	*G.H.*	—	
" - - -	- - -	*P.R.*	
Servants - -	*I.K.*		
	L.M.		
	N.O.		

N.B.—If a House is divided in distinct Apartments, occupied distinctly, each distinct Occupier is required to make this Return, and each Occupier either of the whole House or of any separate Apartment, being a Man between the Ages of Eighteen and Thirty Years, must include in his Return his own Name with the Particulars above required.

Neglect of Compliance with this Notice will subject the Party to the Penalty of Five Pounds.

A.B.
C.D.
Overseers of .

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* The following is a Copy of the Section of the Militia (England) Act, 186 , respecting Exemptions from Service in the Militia.

(*Here set out a Copy of the Section referred to.*)

SCHEDULE (D.) *See Sect.* 72.

Parish of

23 & 24 Vict. c. 120. Sched. B.

MILITIA LIST OF MEN LIABLE TO THE BALLOT.

Made pursuant to the Directions of an Act passed in the
Year of the Reign of Queen Victoria.

Names returned.	Place of Abode.	Rank or Occupation.	Infirmity, if any, likely to incapacitate from serving.	Ground of Exemption.
Names of those not returned, or common Appellations.	Place of Abode.	Rank or Occupation, if known, distinguishing Housekeepers and Occupiers who have not made Returns.	Infirmity, if known.	Ground of of Exemption if known.

A.B.
C.D.
Overseers of .

SCHEDULE (E.) *See Sect.* 80.

Parish of

MILITIA LIST OF BALLOTED MEN.

Made pursuant to the Directions of an Act passed in the
Year of the Reign of Queen Victoria.

This is new.

THE Men whose Names are inserted in the List hereunder are to TAKE NOTICE that at the Subdivision Meeting holden on the Day of they were drawn to serve for this Parish in the Militia, and that they are required to appear at a Subdivision Meeting to be holden at on the Day of at of the Clock in the noon, there to be examined as to their Fitness to serve, and, if found of the requisite Height, and able and fit for Service, to make the Declaration and take the Oath required by the above-mentioned Act, and be enrolled for Service, and that Men failing to comply with this Notice will be subject to the Penalties and Consequences in this Behalf provided by the said Act.

Names.	Place of Abode.	Rank or Occupation.

A.B.
C.D.
Overseers of .

SCHEDULE (F.) *See Sect.* 84.

FORM OF DECLARATION BY MEDICAL PRACTITIONER.

Militia Pay Act, 1867, s. 25.

I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man [*or* Men] about to be submitted to my Examination, and that I will not receive from him [*or* any of them] any Fee or Reward whatever for any such Examination.

[*Signature of Declarant.*]

Declared before me at this
Day of
One thousand eight hundred
and

[*Signature or Signatures of Deputy*
Lieutenant or Lieutenants.]

SCHEDULE (G.) *See Sect.* 169.

17 & 18 Vict. c. 105. Sch. (C.)

REPORT.

DESCRIPTIVE RETURN of committed to Confinement at on the Day of as an Absentee from the Training of the Regiment of Militia.

Age - - - - - -	
Height - - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enrolment, and where -	
Probable Date of absenting himself, and from what Place - - - -	
Name, Occupation, and Address of the Person by whom apprehended* - -	
Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds, and whether committed for safe Custody only, or as a Deserter under this Act, and if so, for what Period - - - -	

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* It is important for the Public Service, and for the Interest of the Prisoner, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he† absent himself from the before-mentioned Corps.

————*Signature and Address of Magistrate.*

————*Signature of Prisoner.*

————*Signature of Informant.*

† Insert "did" or "did not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him‡ for Military Service.

————*Signature of Military Medical Officer, or ‖Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

SCHEDULE (H.)

ACTS REPEALED WHOLLY OR IN PART.

Session and Chapter.	Title.	Extent of Repeal.
42 Geo. 3. c. 90.	An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia.	The whole.
43 Geo. 3. c. 10.	An Act to amend so much of an Act made in the Forty-second Year of the Reign of His present Majesty, intituled "An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia," as relates to the Exemption of licensed Teachers of any separate Congregation from serving in the Militia.	The whole.
43 Geo. 3. c. 47.	An Act for consolidating and amending the several Laws for providing Relief for the Families of Militiamen of England, when called out into actual Service.	The whole.
43 Geo. 3. c. 50.	An Act for more speedily completing the Militia of Great Britain raised under Two Acts passed in the Forty-second Year of the Reign of His present Majesty; and for amending the said Acts.	So far as relates to the Militia raised in England and Wales.
46 Geo. 3. c. 91.	An Act for the Return of correct Lists of Persons liable to serve in the Militia under an Act passed in the Forty-second Year of His present Majesty; and to suspend the Ballot for the Militia in England for Two Years.	The whole.
46 Geo. 3. c. 140.	An Act to amend Two Acts passed in the Forty-second Year of His present Majesty, relating to the Militia of England and Scotland respectively, as to the Pay of the Officers and Men of the said Militia.	So far as relates to the Militia raised in England and Wales.
51 Geo. 3. c. 118.	An Act to permit the Interchange of the British and Irish Militias respectively.	So far as relates to the Militia raised in England and Wales.
51 Geo. 3. c. 128. -	An Act to explain an Act passed in this present Session of Parliament, intituled, An Act to permit the Interchange of the British and Irish Militias respectively.	The whole.

Session and Chapter.	Title.	Extent of Repeal.
53 Geo. 3. c. 81. -	An Act to amend several Acts relating to the Militia, and to enlisting of the Militia into His Majesty's Regular Forces.	So far as relates to the Militia raised in England and Wales.
53 Geo. 3. c. 154. -	An Act to render valid, and to authorize the Payment and granting of certain Pensions at Kilmainham Hospital, and to empower the Commissioners of the said Hospital to commute Pensions for a Sum of Money in certain Cases.	So far as relates to the Militia raised in England and Wales.
54 Geo. 3. c. 10. -	An Act to amend an Act passed in the Fifty-first Year of the Reign of His present Majesty, intituled, An Act to permit the Interchange of the British and Irish Militias respectively.	The whole.
55 Geo. 3. c. 65. -	An Act to amend the Laws relating to the Militia of Great Britain.	So far as relates to the Militia raised in England and Wales.
55 Geo. 3. c. 168. -	An Act to explain and amend the Laws relating to the Militias of Great Britain and Ireland.	So far as relates to the Militia raised in England and Wales.
56 Geo. 3. c. 64. -	An Act to repeal several Acts relating to the Militia of Great Britain, and to amend other Acts relating thereto.	So far as relates to the Militia raised in England and Wales.
57 Geo. 3. c. 57. -	An Act to empower His Majesty to suspend Training, and to regulate the Quotas of the Militia.	So far as relates to the Militia raised in England and Wales.
10 Geo. 4. c. 10. -	An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, and to reduce the permanent Staff, and regulate the Allowances of Serjeants hereafter appointed.	So far as relates to the Militia raised in England and Wales.
2 & 3 Vict. c. 59. -	An Act for taking away the Exemption, except in certain Cases, of Officers of the Militia to serve as Sheriff.	So far as relates to the Militia raised in England and Wales.
15 & 16 Vict. c. 50.	An Act to consolidate and amend the Laws relating to the Militia in England.	The whole.
17 & 18 Vict. c. 13.	An Act to amend the Acts relating to the Militia of the United Kingdom.	So far as relates to the Militia raised in England and Wales.
17 & 18 Vict. c. 105.	An Act to amend the Laws relating to the Militia in England and Wales.	From Section Thirty-one to Section Forty-three, both inclusive. Section Forty-four, so far as relates to the Militia. From Section Forty-five to Fifty-six, both inclusive.

Session and Chapter.	Title.	Extent of Repeal.
18 & 19 Vict. c. 1.	An Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.	So far as relates to the Militia raised in England and Wales.
18 & 19 Vict. c. 100.	An Act to amend the Law concerning the Qualification of Officers of the Militia.	So far as relates to the Militia raised in England and Wales.
22 & 23 Vict. c. 38.	An Act further to amend the Laws relating to the Militia.	So far as relates to the Militia raised in England and Wales.
23 & 24 Vict. c. 94.	An Act to amend the Laws relating to the Militia.	Section One, so far as relates to the Militia raised in England and Wales, except so much of the same Section as relates to determining the Number of Justices to be elected as therein mentioned. Section Thirteen. From Section Fourteen to Section Nineteen, both inclusive, so far as relates to the Militia raised in England and Wales.
23 & 24 Vict. c. 120.	An Act to amend the Laws relating to the Ballots for the Militia in England, and to suspend the making of Lists and Ballots for the Militia of the United Kingdom.	The whole.

MEM.—*If this Act be passed after the passing of the Militia Pay Act and the Ballots Suspension Act they may require to be wholly or partially repealed as to England.*

Militia (England).

A

B I L L

To consolidate and amend certain Laws relat
to the Militia in England.

(Prepared and brought in by
Sir John Pakington and Colonel Herbert.)

Ordered, by The House of Commons, *to be Printed*
8 *August* 1867.

[Bill 308.]

Under 13 *oz.*

Militia Reserve Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short Title.
2. Interpretation of Terms.
3. Establishment of Militia Reserve.
4. Term and Mode of Enlistment.
5. Militia Engagement extended on Enlistment under this Act.
6. Enlisting Men volunteering for that Purpose may be trained with the Army.
7. Secretary of State may discharge Men from Enlistment under this Act so far as respects Army Service.
8. Enlisted Men discharged from Militia by Court-martial may be adjudged to immediate Army Service.
9. In what Events Men enlisted may be ordered to enter upon Army Service.
10. Effect of Order for Entry upon Army Service.
11. On Dismissal from Army Service, Men to return to their Militia Regiments for Remainder of Term of Enlistment.
12. When enlisted Men are upon Army Service, Mutiny Act and Articles of War to apply to them.
13. Power to Secretary of State to make Regulations.
14. Regulations to be laid before Parliament.

A

BILL

TO

Form a Reserve of Men in the Militia to join Her Majesty's Army in the event of War.

WHEREAS it is expedient to authorize the Enlistment of a Portion of the Militia for Service in Her Majesty's Army in the event of War, and for that Purpose to make such Provisions as are herein-after contained: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Militia Reserve Act, 1867." Short Title

2. In this Act the following Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction: Interpretation of Terms.

"The Secretary of State" means One of Her Majesty's Principal Secretaries of State:

"Regiment" includes Battalion, Corps, and Company:

"Mutiny Act" means the Act for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, for the Time being in force:

"Articles of War" means the Articles of War for the Time being in force under the Authority of the Mutiny Act.

Establishment of Militia Reserve.

3. The Secretary of State may cause to be enlisted from Time to Time under this Act such Men from the Militia of the United Kingdom as may be willing, with the Consent of the Commanding Officers of their respective Regiments, so to enlist themselves:

The total Number of Men enlisted under this Act from the respective Militias raised in England, Scotland, and Ireland shall not at any One Time exceed in Number *One Fourth* Part of the respective Quotas of Private Militiamen for the Time being fixed by Law to be raised therein respectively:

Subject to the Limitation herein-before contained, the Secretary of State may fix, at his Discretion, by Order under his Hand, the greatest Number of Militiamen that may for the Time being be enlisted as aforesaid out of each or any Regiment of Militia.

Term and Mode of Enlistment.

4. Every Man to be enlisted under this Act shall be so enlisted for the Term of *Five Years,* and further to serve until he is legally discharged, if, at the Expiration of such Term, he is upon Army Service, and shall be attested accordingly before a Justice of the Peace as in the Case of ordinary Army Enlistment, save as otherwise provided by any Regulations made under this Act.

Militia Engagement extended on Enlistment under this Act.

5. The then existing Engagement in the Militia of any Man who is enlisted under this Act shall be deemed extended for the Term of *Five Years* for which he is so enlisted, and he shall accordingly, save as herein otherwise provided, be deemed for all Purposes a Militiaman during such Term in like Manner as if he had been lawfully and duly enrolled to serve for such Term in the Militia Regiment to which he formerly belonged; and upon his becoming subject as herein-after provided to Army Service, but not before, his Place in the Militia shall be deemed vacant, and be filled up as by Law provided in relation to casual Vacancies in the Militia.

Enlisted Men volunteering for that Purpose may be trained with the Army.

6. The Secretary of State may cause any Men enlisted under this Act who may volunteer for such Training and Exercise to be trained and exercised with any Part of Her Majesty's Army during any Time or Times not exceeding in the whole *Fifty-six* Days in any One Year;

all or any Part of the Time or Times of Training and Exercise as aforesaid of any Man volunteering as aforesaid may be in addition to, or, with the Consent of the Commanding Officer of the Regiment of Militia to which such Man may belong, in substitution for, all or any Part of the Period of Training and Exercise with and as Part of the Militia to which such Man would or might otherwise be subject.

Secretary of State may discharge Men from Enlistment under this Act so far as respects Army Service.

7. The Secretary of State may, at his Discretion, at any Time discharge any Man enlisted under this Act from his Enlistment, so far as it subjects him to Army Service; and any Man so discharged shall thenceforth for the Remainder of his Term of Enlistment be deemed a Militiaman only, and be subject to all Provisions affecting Militiamen accordingly.

Nothing in this Enactment shall affect the Power of the Secretary of State to discharge such Man from the Militia.

Enlisted Men convicted of Desertion from Militia by Court-martial may be adjudged to immediate Army Service.

8. When any Man enlisted under this Act is found by a Militia Court-martial to be a Deserter from the Regiment of Militia to which he belonged, such Court-martial may, if it see fit, adjudge such Man to immediate Service in Her Majesty's Army for any Period not exceeding Twelve Years; and in case such Court adjudge such Man to such Service, and the Sentence in this Behalf be approved by Her Majesty, it shall be lawful, by Order under the Hand of the Secretary of State, to cause such Man, if found fit for Service in the Army on Examination by an Army Surgeon, to be entered as a Private Soldier in any Regiment of Her Majesty's Army directed in such Order, or for General Service, and to be forthwith conveyed to the Head Quarters of such Regiment, or to any Head Quarters for Recruits (as the Case may require); and such Man shall, from the Time of his being delivered over to be conveyed as aforesaid, be subject to all the Provisions of the Mutiny Act and Articles of War as if he had been enlisted for the said Regiment or for General Service (as the Case may be) for the Term for which he is adjudged to be entered to serve in such Regiment or for General Service as aforesaid.

In what Events Men enlisted may be ordered to enter upon Army Service.

9. Whenever a State of War exists between Her Majesty and any Foreign Power, and in all Cases of actual Invasion or imminent Danger thereof, it shall be lawful for Her Majesty (the Cause being first communicated to Parliament if Parliament be then sitting, or declared in Council and notified by Proclamation if Parliament be not then sitting,) from Time to Time to order that, on such Day as may be mentioned in Her Majesty's Order in this Behalf, the Men enlisted under this Act, or such of them as Her Majesty may judge necessary, and by such Order direct, shall enter upon Army Service, and for that Purpose shall attend at such Place or Places and at such Time or Times as shall be duly notified in this Behalf.

Effect of Order for Entry upon Army Service.

10. On the Day fixed in such Order of Her Majesty as aforesaid, and thenceforth until it be signified by Her Majesty's Command to the Men to whom such Order applies that their Services are no longer required, such Men shall be deemed upon Army Service, and they shall form Part of Her Majesty's Army as if they were Men who had been duly enlisted in and attested for Her Majesty's Army for General Service, and whose Enlistment and Attestation had been completed on the Day aforesaid; but so, nevertheless, that the Services of Men enlisted under this Act shall not be required under any such Order of Her Majesty as aforesaid beyond *Six Months* after Peace has been next proclaimed.

On Dismissal from Army Service Men to return to their Militia Regiments for Remainder of Term of Enlistment.

11. Subject to the Provisions herein-before contained, Men enlisted under this Act who have entered upon Army Service under this Act shall, on its being signified to them as aforesaid that their Services are no longer required, return and serve, for the Remainder (if any) of their respective Terms of Enlistment, to and in the Militia Regiments to which they respectively belonged when they enlisted under this Act, and such Men shall hold such Rank and be entitled to such Pay and Allowance as they held and possessed when they entered upon Army Service under Her Majesty's Order; and if, by reason of their Places being supplied, there is no Opportunity for their resuming their former Position consistently with the ordinary Organization of any Militia Regiment to which they belonged, they shall be Supernumeraries thereof, with such Rank, Pay, and Allowances as aforesaid, until they can occupy their former Position.

When enlisted Men are being trained with the Army, or are upon Army Service Mutiny Act and Articles of War to apply to them.

12. During any Time for which any Men enlisted under this Act may have volunteered to be trained and exercised with any Part of Her Majesty's Army, and whenever any Men enlisted under this Act are upon Army Service, all the Provisions of the Mutiny Act and Articles of War shall apply to such Men and to all Persons whomsoever in respect of them, as fully as such Act and Articles may be applicable to and in respect of Her Majesty's Regular Forces; and Offences committed by such Men may be inquired of and tried by Court-martial assembled under the Provisions of any such Act according to the usual Discipline of Her Majesty's Army;

and Courts-martial for the Trial of any such Offences may be holden, and the Punishment awarded by any such Court-martial may be inflicted, either during the Time for which such Men have volunteered to be trained and exercised, or (as the Case may be) are upon Army Service, or at any Time within *Twelve Months* after the Offence has been committed or the Offender has been apprehended.

Power to Secretary of State to make Regulations.

13. It shall be lawful for the Secretary of State from Time to Time to make Regulations in relation to Men enlisted under this Act, as follows:

as to the Amount of the Sums to be paid to Men so enlisting by way of Bounty or periodical Payment, or Allowance in consideration of their Enlistment, and as to the Time or respective Times, Conditions, and Manner of the Payment thereof;

as to the Ages between which Men may be enlisted;

as to the Height and for the Examination and Approval of all Men to be enlisted under this Act;

as to the Oaths or Declarations to be made by Men so enlisted on their Attestation;

as to the Mode of giving Notices to Men when required to enter upon Army Service as herein provided;

and as to any Matter by this Act made subject to Regulations made thereunder.

Regulations to be laid before Parliament.

14. All Regulations to be made under this Act shall be laid before both Houses of Parliament within *Twenty-one* Days next after the making thereof, if Parliament be then sitting, or if Parliament be not sitting, then within *Twenty-one* Days after the next Meeting of Parliament.

Militia Reserve.

A

BILL

To form a Reserve of Men in the Militia to join Her Majesty's Army in the event of War.

(Prepared and brought in by
Sir John Pakington, Mr. Hunt, and
Sir James Fergusson.)

Ordered, by The House of Commons, *to be Printed,*
13 *May* 1867.

[Bill 149.]

Under 1 *oz.*

A
BILL
TO
Assess Mines, Woodlands, and Plantations to local Rates.

WHEREAS it has been held by the Courts of Law that Mines other than Coal Mines are not liable to be rated to local Rates: Preamble.

And whereas Woods and Plantations are not liable to be rated, while saleable Underwoods are rateable:

And whereas it is expedient that such Distinctions and Exceptions should cease:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Mines, Woods, and Plantations to be rated.

1. From and after *the First of October next*, Mines and Minerals of every Description in England and Wales shall be liable to be rated to local Rates, in the same Manner and to the same Extent, so far as Circumstances will admit, in which and to which Coal Mines are liable to be rated to local Rates; and all Woods and Plantations shall be liable to be rated to local Rates upon the rateable Value of the Land on which they are grown.

Provision for existing Leases.

2. Provided always, That where any Mine shall *at the passing of this Act* be held upon a Lease reserving Rent in Money, Royalty, Toll, or Due, other than in Kind, the Occuper of the Mine which by reason of this Statute shall become rateable shall be entitled to deduct from the Rent, Royalty, Toll, or Due payable under such Lease *One Moiety* of the Sum charged upon him towards the said Rate in respect of such Mine before the Day upon which such Rents shall have accrued, and the Lessor or Person otherwise entitled to such Rent, Royalty, Toll, or Due shall allow such Deduction in part Payment thereof.

Provision to prevent Assessment on the Lord being disturbed during the Continuance of existing Setts.

3. Provided also, That where *at the passing of this Act* any Lord or Owner of a Mine is assessed to local Rates in respect of such Mine, nothing in this Act shall be held to disturb such Assessment during the Continuance of existing Setts.

Title of Act.

4. This Act may be cited as the "Rating of Mines, Woods, and Plantations Act, 1867."

Mines, &c. Assessment.

A

B I L L

To assess Mines, Woodlands, and
Plantations to local Rates.

(Prepared and brought in by
Mr. Percy Wyndham, Mr. Cavendish
Bentinck, and Mr. Henderson.)

Ordered, by The House of Commons, *to be Printed,*
19 *February* 1867.

[Bill 33.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Assess Mines, Woodlands, and Plantations to local Rates.

Preamble.

WHEREAS it has been held by the Courts of Law that Mines other than Coal Mines are not liable to be rated to local Rates:

And whereas Woods and Plantations are not liable to be rated, while saleable Underwoods are rateable:

And whereas it is expedient that such Distinctions and Exceptions should cease:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Mines, Woods, and Plantations to be rated.

1. From and after the First of October next, Mines and Minerals of every Description, and all Woods and Plantations, in England and Wales, shall be liable to be rated to the Relief of the Poor, to the Highway and County Rates, and to other local Rates.

Provision for existing Leases.

2. Provided always, That where any Mine not being a Coal Mine shall at the passing of this Act be held upon a Lease reserving Rent in Money, Royalty, Toll, or Due, other than in Kind, the Occuper of the Mine which by reason of this Statute shall become rateable shall be entitled to deduct from the Rent, Royalty, Toll, or Due payable under such Lease One Moiety of the Sum charged upon him towards the said Rate in respect of such Mine before the Day upon which such Rents shall have accrued, and the Lessor or Person otherwise entitled to such Rent, Royalty, Toll, or Due shall allow such Deduction in part Payment thereof: Provided always, that the Occupier of such Mine shall in no Case be entitled to deduct from the Rent, Royalty, Toll, or Due a Sum greater than One Moiety of the Sum which the Rate would amount to if assessed upon the actual Value of the Rent, Royalty, Toll, or Due payable under such Lease.

Provision to prevent Assessment on the Lord being disturbed during the Continuance of existing Setts.

3. Provided also, That where at the passing of this Act any Lord or Owner of a Mine is assessed to the Relief of the Poor, to the Highway and County Rates, and to other local Rates, in respect of such Mine, nothing in this Act shall be held to disturb such Assessment during the Continuance of existing Setts or Leases.

Clause A. Allowance for Exhaustion of Corpus, &c.

4. Provided always, That in assessing the annual Value of Mines or Minerals there shall, in addition to the usual Deductions and Allowances, be made such further Deduction or Allowance as will, so far as can be calculated on the Exhaustion of the Mineral, represent by Accumulation its original Fee Simple Value and the Value of the Capital expended thereon.

Clause B. Exemption of Occupiers in Cornwall, Devon, and Derbyshire.

5. Provided always, That after the passing of this Act no Occupier of any Mine within the Jurisdiction of the Stannary Courts of Devon and Cornwall, or of the "High Peak Mining Customs and Mineral Courts Act" (14 & 15 Vict. c. 94.), and the "Derbyshire Mining Customs and Mineral Courts Act" (15 & 16 Vict. c. clxiii.), shall be liable to be rated to the Relief of the Poor, to the County and Highway and the other local Rates, and no Assessment shall be made on such Mines otherwise than on the Owner or Owners in respect of the Rent, Royalty, Toll, or Due reserved to him or them.

Clause C. Where Mines let to a Tenant, Royalty reserved to be deemed the assessable Value.

6. In the Case of Mines and Minerals let to a Tenant the Royalty or Rent reserved to the Owner shall, until the contrary be shown, be deemed to be the assessable Value of such Mines and Minerals.

Clause D. How Mines now made liable to Rates are to

7. Mines and Minerals by this Act made liable to be rated shall be assessed under the Provisions of the "Local Government Act, 1858," or of any Local Improvement Act, in the same Proportion only as Land used as Arable, Meadow, or Pasture Ground only is liable to be assessed under the Provisions of the same Act.

be rated under the Public Health Acts.

8. This Act may be cited as the "Rating of Mines, Woods, and Plantations Act, 1867."

Title of Act.

Mines, &c. Assessment.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To assess Mines, Woodlands, and Plantations to local Rates.

(*Prepared and brought in by Mr. Percy Wyndham, Mr. Cavendish Bentinck, and Mr. Henderson.*)

Ordered, by The House of Commons, *to be Printed,*
30 *May* 1867.

[Bill 174.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to Marriages between Protestants and Roman Catholics in Ireland.

Preamble.

WHEREAS by an Act of Parliament passed in the Parliament of Ireland in the Nineteenth Year of the Reign of King George the Second, intituled "An Act for "annulling all Marriages to be celebrated by any Popish Priest "between Protestant and Protestant, or between Protestant and "Papist; and to amend and make more effectual an Act passed in "the said Kingdom in the Sixth Year of the Reign of Her "late Majesty Queen Anne, intituled 'An Act for more effectually "'preventing the taking away and marrying Children against the "'Will of their Parents or Guardians,'" it was enacted that every Marriage that should be celebrated after the First Day of May One thousand seven hundred and forty-six between a Papist and any Person who had been or had professed him or her self to be a Protestant at any Time within Twelve Months before such Celebration of Marriage, if celebrated by a Popish Priest, should be and was thereby declared absolutely null and void to all Intents and Purposes:

19 Geo. 2. c. 13. (I.)

And whereas by another Act passed in the Session of Parliament held in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend "the Statute Law of England and Ireland relating to Offences "against

24 & 25 Vict. c. 100. s. 57.

"against the Person," it is enacted, that whosoever, being married, shall marry any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken place in England or Ireland, or elsewhere, shall be guilty of Felony:

And whereas a Conviction cannot now by Law be had upon an Indictment for Bigamy if it be proved that One of the Marriages was celebrated by a Roman Catholic Priest, and that the Accused had been or had professed him or her self to be a Protestant at any Time within Twelve Months before the Celebration of such Marriage by such Priest; and it is expedient that the Law in this Behalf should be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Profession of Catholicity at Marriage shall prevent the Accused on Trial for Bigamy from relying on Profession of Protestantism before Marriage.

1. That after the *passing of this Act* any Person indicted for Bigamy may be convicted thereof, notwithstanding that either of the Marriages shall have been celebrated by a Roman Catholic Priest, and that the Accused had been or had professed himself or herself to be a Protestant at any Time within Twelve Months before the Celebration of such Marriage by such Priest, if at the Time of such Marriage he or she shall have professed him or her self to be a Roman Catholic.

On Trial other contracting Party may be a Witness.

2. Whenever on the Trial of any Person for Bigamy the Accused shall rely on his or her Profession of Protestantism before such Marriage by a Roman Catholic Priest, the other Party to such Marriage shall be a competent Witness.

Act not to give Validity to any Marriage Ceremony not now valid.

3. Save as herein-before provided nothing herein contained shall be construed to affect or alter the said Enactment of George the Second.

Extent of Act.

4. This Act shall extend only to Ireland.

Mixed Marriages (Ireland).

A

B I L L

To amend the Law relating to Marriages between Protestants and Roman Catholics in Ireland.

(Prepared and brought in by
Mr. Serjeant Armstrong and Mr. Cogan.)

Ordered, by The House of Commons, *to be Printed,*
9 *April* 1867.

[Bill 120.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to legalize certain Marriages solemnized at Morro Velho in Brazil.

Preamble.

WHEREAS the Saint John Del Rey Mining Company have erected a Chapel at their Establishment at Morro Velho in the Empire of Brazil, and have maintained there a Chaplain licensed by the Lord Bishop of London:

And whereas the said Chaplain has solemnized in the said Chapel according to the Rites and Ceremonies of the United Church of England and Ireland divers Marriages between Persons, One or both of whom was or were British Subjects:

And whereas Doubts are entertained as to the Validity of such Marriages, and it is expedient to remove such Doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Marriages prior to 1st 186 .

1. All Marriages (both or One of the Parties to such Marriages being Subjects or Subject of this Realm) which prior to the First of One thousand eight hundred and sixty- may have been solemnized in manner aforesaid at the said Chapel at Morro Velho shall be as valid in Law as if the same had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Register to be sent to Consul at Rio Janeiro.

2. The Chaplain of the Chapel shall, immediately after the First of January One thousand eight hundred and sixty-eight, send to Her Majesty's Consul at Rio Janeiro the Register Book kept at the said Chapel, with a Certificate under his Hand and Seal that all Marriages which have been celebrated in the said Chapel as aforesaid have been duly entered therein, and also a Copy of the Register Book certified in like Manner to be a true Copy. Such Copy shall be sent by the Consul to the Registrar General in England, and the Original shall be kept by the Consul with the Marriage Register Books of his Consulate; and such original and Copy Register Book shall be deemed to be Marriage Register Books of the British Consulate of Rio Janeiro, within the Meaning of the Acts in that Behalf made.

Short Title.

3. This Act may be cited for all Purposes as "The Morro Velho Marriage Act, 1867."

Morro Velho Marriages.

[H.L.]

A

BILL

INTITULED

An Act to legalize certain Marriages solemnized at Morro Velho in Brazil.

(*Brought from the Lords* 9 *July* 1867.)

Ordered, by The House of Commons, *to be Printed,*
18 *July* 1867.

[Bill 265.]

Under 1 *oz.*

[*To be substituted for the Bill
already delivered.*]

A

BILL

TO

Invest in Municipal Corporations the Management of their Charity Funds and Estates.

Preamble.

WHEREAS by the Act of Parliament Six and Seven William the Fourth, Chapter Seventy-six, Section Seventy-one, certain Provisions were made as to Charitable Trusts vested in Municipal Corporations within the Scope of the said Act, until Parliament should otherwise order:

And whereas it is expedient to revest in the said Municipal Corporations the Management of their Charitable Funds and Estates, subject to the Provisions herein-after contained:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act to be cited as "The Municipal Corporations Charities Act, 1867."

Repeal of Enactments.

2. The said Enactments in Act repealed from and after *the First Day of January One thousand eight hundred and sixty-eight.*

Reinvestment of Charity

3. All Charity Funds and Estates heretofore belonging to Municipal Corporations shall be revested in the Mayor, Aldermen, and

Funds and Estates in Municipal Corporations.

and Burgesses of the several Corporate Bodies mentioned in the Schedule to the Fifth and Sixth of William the Fourth, notwithstanding any Order made by the Court of Chancery under any general Power relating to Charities, or any special Power relating to Municipal Corporations Charities, and notwithstanding any Order made by the Charity Commissioners.

Town Council shall elect a "Charities Committee."

4. On *the First Day of January One thousand eight hundred and sixty-eight*, the Town Council of the several Corporations mentioned in the said Act shall elect a Committee to be called "The Charities Committee," consisting of so many Members as shall be equal to *One Half* of the Number of Councillors allotted to each Borough by the said recited Act, and of which *One Half* at the least shall not be Members of the Town Council: Such Committee shall remain in Office for the Term of *Six* Years, except those of the Members first elected, of whom *One Half*, who shall be named at the Time of Election, shall go out of Office at the Expiration of *Three* Years; and thereafter *One Half* of the said Members of the Committee which has been in Office for the previous *Six* Years shall go out of Office, but shall be re-eligible: Provided that where any Charity shall have been created for the exclusive Benefit of any Township, Parish, or Hamlet, or of the Inhabitants thereof, or of any Part thereof, the Rector, Vicar, or Incumbent of the said Township, Parish, or Hamlet for the Time being shall in respect of the Distribution of any such Charity be ex officio a Member of the said Committee.

Proviso.

Appointment of Chairman.

5. The Mayor for the Time being of the said Corporations shall be a Member of the said Committee, and shall ex officio preside at their Meetings, if present, and in case of his Absence the Members present shall elect a Chairman for the said Meeting.

Any Member absent for Six Sittings to cease to be a Member.

6. In case any Member of the said Committee shall not attend any Meeting thereof for *Six* consecutive Meetings, he shall thereupon cease to be a Member of the said Committee.

On any Member becoming bankrupt.

7. In case any Member of the said Committee shall become bankrupt or otherwise compound with his Creditors, he shall cease to be a Member of the said Committee.

Town Council to fill up the Vacancy.

8. The Council of the said Borough shall within *Ten* Days after Notice of any such Vacancy, or of any Vacancy otherwise occasioned, proceed to elect some Person to supply the Vacancy so occasioned, such Person to fill the Office during the Period for which the Person upon whose Vacancy he is elected would have held the same.

Separate Accounts to be kept.

9. All the Estates, Monies, and Effects belonging to the said Charity Funds and Estates, and the Accounts thereof, shall be kept separate and distinct from the other Funds and Estates of the said Corporations, and from the Accounts thereof.

Yearly Accounts to be sent to Charity Commissioners.

10. On or before *the First Day of March* in every Year an Account of the several Funds and Estates, and of the yearly Proceeds and Expenditure thereof, shall be transmitted to the Charity Commissioners in England and Wales.

Trustees of Property for the Benefit of the Inhabitants of any Town may vest the same in the Corporation.

11. The Trustees of any Estates or Funds vested in them for the Benefit of the Inhabitants of any Corporate City or Town or any Part therein, or of any Part of the Inhabitants of any Town or Parish, may vest the same in the said Mayor, Aldermen, and Burgesses of the respective Cities or Towns for the Benefit of the Inhabitants whereof the said Charity may have been created, subject to the Trusts thereof.

Municipal Corporations
Charities.

A

B I L L

To invest in Municipal Corporations the Management of their Charity Funds and Estates.

(*Prepared and brought in by*
Mr. Richard Young and Mr. Charles Forster.)

Ordered, by The House of Commons, *to be Printed,*
28 *February* 1867.

[Bill 60.] +

Under 1 *oz.*

A

B I L L

FOR

The Establishment of Municipal Corporations within the Metropolis.

WHEREAS it is expedient to extend Municipal Institutions throughout the Metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The following Terms and Expressions shall have in this Act the Meanings hereby respectively assigned to them, except so far as the Subject or the Context shall be repugnant to such Construction; (that is to say,) Interpretation.

The Expression "the Municipal Reform Act" shall mean the Act of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, to provide for the Regulation of Municipal Corporations in England and Wales:

The Expression "the Municipal Corporations Acts" shall include the Municipal Reform Act, and all Acts amending the same, and all other Acts and Parts of Acts in force for the Regulation of Municipal Corporations in England and Wales, or in relation thereto:

The Term "Municipal Borough" shall mean a Borough within the Intendment of the Municipal Corporations Acts:

The Expression "The Metropolis Local Management Act, 1855," shall mean the Act of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, for the better Local Management of the Metropolis:

The Expression "the Metropolis Local Management Acts" shall include "The Metropolis Local Management Act, 1855," and all Acts amending the same:

The Expression "the Metropolitan Board of Works" shall apply to and include any Council, Board, Corporation, or Body which by Authority of Parliament may hereafter become invested with the Duties, Powers, and Authorities now vested in the Metropolitan Board of Works:

The Expression "the Metropolitan Police Acts" shall include the Act of the Tenth Year of the Reign of His late Majesty King George the Fourth, Chapter Forty-four, for improving the Police in and near the Metropolis, and all Acts amending the same, and all other Acts and Parts of Acts in force for the Regulation of the Metropolitan Police or Metropolitan Police Courts, or in relation thereto respectively:

The Words "District," "Vestry," and "District Board," shall mean a District, Vestry, or District Board of Works within the Meaning of the Metropolis Local Management Acts; and the Word "Parish" (unless where used as defined in the Metropolis Local Management Acts) shall include any extra-parochial Place.

The Metropolis to be divided into Municipal Boroughs.

2. The Area comprised within the outer Limits of the Metropolis, as defined by Section 250 of "The Metropolis Local Management Act, 1855," (except the City of London as there defined,) shall be divided into the several Municipal Boroughs named respectively in the First Column of Schedule (A.) to this Act annexed.

Contents of the several Boroughs.

3. The said several Municipal Boroughs hereby created shall contain the several Parishes and Districts named respectively in the Second Column of the said Schedule (A.) to this Act annexed, and bracketed respectively opposite to the Names of such Boroughs respectively, and shall be divided into the several Wards named respectively in the Third Column of the same Schedule, and also bracketed opposite to the Names of such Boroughs respectively.

Boundaries of Boroughs.

4. The Boundaries of the said several Boroughs hereby created are set forth in Schedule (B.) to this Act annexed.

5. The

Boundaries of Wards.

5. The Boundaries of the several Wards wherein the said several Boroughs are hereby divided, shall be set out and defined on or before the   Day of   next, by fit Persons, to be appointed by One of Her Majesty's Principal Secretaries of State; and Sections 3 and 4 of the "Metropolis Local Management Act, 1855," in so far as the same relate to the setting out of Boundaries, and to the Power of Her Majesty's Secretary of State, and to the Remuneration of the Persons to be appointed, shall apply to and in respect of the setting out of the Boundaries of Wards under this Act, except that the Remuneration of the Persons to be appointed shall be paid out of the Borough Rate of the Borough within which such Persons shall be appointed to act.

The Corporation: Mayor, Aldermen, and Burgesses.

6. In every Borough created under this Act there shall be a Body Corporate, to be called the Mayor, Aldermen, and Burgesses of such Borough, according to its respective Name as set forth in the said First Column of the said Schedule (A.), except as respects the Municipal Borough of Westminster.

Westminster: Mayor, Aldermen, and Citizens.

7. The Municipal Borough of Westminster shall be called and known as the City of Westminster; the Burgesses of such Borough shall be called Citizens of the same, and the Body Corporate of the said Borough shall be called the Mayor, Aldermen, and Citizens of the City of Westminster: Provided always, that every Matter in this Act contained relating to the Boroughs hereby created, to the Corporate Bodies of the same, and to the Burgesses of the same respectively, shall apply in all respects to the said City of Westminster, and to the Corporate Body and to the Citizens of the same respectively.

The Council.

8. After the First Election of Councillors under this Act, the Body Corporate of every Borough hereby created shall have perpetual Succession and a Common Seal, and by the Council of such Borough shall sue and be sued, and shall have full Capacity, without Licence in Mortmain, to take, purchase, and hold Land for the Purposes of this Act, and of every Act incorporated herewith, or of which the Powers are hereby transferred to, or vested in, or authorized to be adopted by such Body Corporate or its Council, and shall have and exercise all the Powers and Authorities which Municipal Corporations or their Councils may from Time to Time legally have and exercise, except as herein otherwise provided.

Municipal Corporations Acts to apply.
5 & 6 Will. 4. c. 76; 6 & 7 Will. 4. c. 104; 6 & 7 Will. 4. c. 105; 7 Will. 4 and 1 Vict. c. 78; 4 & 5 Vict. c. 48; 6 & 7 Vict. c. 89; 13 & 14 Vict. c. 42; 15 & 16 Vict. c. 5; 16 & 17 Vict. c. 79; 21 & 22 Vict. c. 43; 22 Vict. c. 35; 23 & 24 Vict. c. 16; 24 & 25 Vict. c. 75.

9. All the Provisions of the Municipal Corporations Acts shall apply to the Boroughs hereby created, as if the same had been comprised in Schedule (A.) to the Municipal Reform Act, except as herein otherwise provided.

Number of Councillors.

10. The Number of Councillors to be elected for every of the said several Boroughs is set out in the Fourth Column of the said Schedule (A.) to this Act, opposite the Name of such Borough respectively.

First Elections.

11. The First Elections for the several Boroughs hereby created of Councillors, Aldermen, Mayors, Auditors, and Assessors, and other Officers, who under the Municipal Corporations Acts ought to be elected or appointed on any particular Day, shall take place on the Day or Days by Law appointed for the Election of such Officers, under the Municipal Corporations Acts, which shall next ensue after the Commencement of this Act.

Who to vote at First Elections.

12. At the First Elections of Councillors under this Act, and at every other Election for any Borough hereby created, which by the Municipal Corporations Acts is provided to be made by the Burgesses of any Borough until a Burgess Roll for such Borough shall have been completed, the Persons who under the Provisions of the Metropolis Local Management Acts would, for the Time being, be qualified to vote in the Election of Vestrymen for any Parish or District under the said Acts comprised within any Borough, and within any Ward of a Borough hereby created, shall be qualified to vote in every such Election for such Borough and Ward, and until the Burgess Roll of such Borough shall be completed, shall be taken to be the Burgesses of such Borough and Ward for the Purposes of this Act and of the Municipal Corporations Acts: Provided always, that where any such Parish or District as aforesaid shall not be wholly comprised in any Borough, or in any Ward of a Borough hereby created, the Borough and Ward in which any Person shall be qualified to vote, and of which he shall be deemed a Burgess, shall be the one wherein the Hereditaments in respect of which he claims to be qualified shall be situate.

Notice of First Elections.

13. Notice of the First Elections of Councillors under this Act shall be given by the Churchwardens of every Parish wholly or partly comprised within a Borough created by this Act, by causing to be published in every such Parish, or in every Ward of every such Parish where the same is divided into Wards under the Metropolis Local Management Acts, on some Sunday at least Twenty-one Days previously to the Day of Election, a Notice according to the following Form:

‘ Parish of [*here insert Name of Parish*]

or

‘ Parish of Ward of [*inserting Parish and Ward*].

‘ The Parishioners duly qualified according to the Provisions of ‘ “The Metropolis Local Management Act, 1855,” are hereby

‘ required to meet at on the Day of
‘ , and then and there to consider of and elect fit and
‘ proper Persons to be Councillors of the Borough of [*or* of the City
‘ of Westminster, *as the Case may be,*] Ward of that is
‘ to say:

Councillors.’

14. The Sections of “The Metropolis Local Management Act, 1855,” numbered respectively 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, and 27, shall apply to the First Elections to be holden under this Act, for any Borough hereby created, as if the Words “Councillors” had been inserted in the Place of the Words “Vestrymen,” and with the Omission of so much of the said several Sections respectively as relates to Auditors, or an Auditor of Accounts.

Provisions of Metropolis Local Management Act to apply to First Elections of Councillors.

15. Except as heretofore provided in reference to the Qualification of Voters until the Completion of a Burgess Roll, the Provisions of the Municipal Corporations Act shall apply to every Election after the First of Councillors, and to every Election of Aldermen, Mayors, and other Officers for any Borough thereby created.

Provisions of Municipal Corporations Acts to apply to all other Elections.

16. Every Borough created by this Act shall be deemed to be One in and for which it shall be lawful for Her Majesty to appoint Justices of the Peace.

Boroughs under Act to have Justices of the Peace.

17. The Justices of the Peace for every Borough created under this Act shall, within the Limits of the same respectively, have all the Powers and Authorities of Justices of a City, Town Corporate, or Town, under any Act or Acts for or for regulating the granting or transferring of Licences to Keepers of Inns, Alehouses, and Victualling Houses, Billiard Licences, Licences for Houses, Rooms, Gardens, or other Places kept for public Dancing, Music, or other public Entertainment; Licences for Houses or Places for the Purpose of slaughtering or killing of Horses and other Animals, Licences to deal in Game, and under any other Act or Acts authorizing Licences to be granted for any Purpose by Justices of the Peace of a City, Town Corporate, or Town, so far as regards the granting or transferring of such Licences.

Borough Justices under Act to have Licensing Powers as other Borough Justices.

See 9 Geo. 4. c. 61; 8 & 9 Vict. c. 109; 25 Geo. 2. c. 36; 26 Geo. 3. c. 71; 7 & 8 Vict. c. 87; 1 & 2 Will. 4. c. 32; 2 & 3 Vict. c. 35; 29 & 30 Vict. c. 2. 15. and 110.

18. There shall be a salaried Police Magistrate or Magistrates for every Borough hereby created, who shall be a Justice or Justices of the Peace for such Borough.

Every Borough to have salaried Police Magistrates.

Present Metropolitan Police Courts to be Police Courts of new Boroughs.

19. The Police Courts and Police Offices already established or to be established as herein-after provided within the several Boroughs hereby created shall be the Police Courts and Police Offices of such respective Boroughs, according to the Scheme in that Behalf set forth in Schedule (C.) to this Act annexed; and the Persons who at the passing of this Act shall be the Police Magistrates of the said several Police Courts respectively already established, and the Persons who shall be appointed by Her Majesty as the First Police Magistrates of the Police Court herein-after authorized to be established, shall be the First Police Magistrates for the respective Boroughs within which such Courts shall be respectively situate.

Additional Police Court for Marylebone Borough.

20. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, to establish an additional Police Court in and for the Borough of Marylebone, and to appoint Magistrates to the same under the Provisions of the Metropolitan Police Acts.

Boroughs to form Police Court Divisions.

21. From and after the *Commencement of this Act*, as respects the Police Courts already established, and from and after the Establishment of an additional Police Court in and for the Borough of Marylebone, as respects such Police Court, the Police Court Division of every Police Court of a Borough hereby created shall be taken to be bounded within the Area of the Metropolis, as hereby defined by the Limits of such Borough, as set out in Schedule (B.) to this Act, anything in the Metropolitan Police Acts to the contrary notwithstanding; but nothing in this Act contained shall in anywise diminish or affect the Jurisdiction of any Police Court, whereof the Division now extends beyond the Limits of the Metropolis, as so defined as aforesaid, within so much of the said Division as extends beyond such Limits.

Borough Police Courts to be deemed Metropolitan Police Courts.

22. Notwithstanding anything herein contained, the Police Courts mentioned in Schedule (C.) to this Act, and the Police Magistrates for the same, shall be deemed to be Police Courts and Police Magistrates of the Metropolis, within the Provision of the Metropolitan Police Acts, and (except as herein expressly mentioned), the said Courts and Magistrates shall have and exercise all Jurisdictions, Powers, and Authorities which, as Police Courts and Police Magistrates of the Metropolis, they are entitled to have and exercise, and all the Provisions of the said Acts relating to such Police Courts and Police Magistrates, and to the defraying the Salaries of Magistrates and Officers, and the Expenses of holding Courts, and putting the said Acts in execution (except as herein expressly mentioned) shall apply to the said Police Courts mentioned in the said Schedule (C.) to this Act, and to the Police

Magistrates of the same, and to the putting this Act into execution, so far as relates to such Courts and Magistrates.

Appeal from Borough Police Magistrates.

23. So much of the 50th Section of the Act of the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-one, for regulating the Police Courts of the Metropolis, as allows an Appeal to be had from an Order or Conviction before a Police Magistrate to the Justices of the Peace for the County wherein the Cause of Complaint shall have arisen, is hereby repealed as respects any Order or Conviction before a Police Magistrate in any Matter where the Cause of Complaint shall have arisen within any Borough hereby created; and in lieu thereof such Appeal shall be had to the Recorder of such Borough, if any, at the next General or Quarter Sessions of the Peace for such Borough, or until a Recorder for such Borough shall have been appointed, then to the Central Criminal Court.

Certain Provisions of Municipal Corporations Acts as to salaried Magistrates to apply only to additional Magistrates.

24. The 99th Section of the Municipal Reform Act, and all other Sections, if any, of the Municipal Corporations Acts relating to the Appointment, Qualification, and Salaries of salaried Police Magistrates, shall only be applicable to any Borough hereby created in case the Council of such Borough shall be of opinion that an additional Court is required for the Purposes of Justice in such Borough, and shall pass a Resolution to that effect at least Four Weeks prior to the making of such Byelaw as in the said Act or Acts is provided, and shall only be applicable in relation to such additional Police Court and to the Magistrate or Magistrates of the same.

Every Borough to be Police Division.

25. It shall be the Duty of the Justices acting under the Authority of the Metropolitan Police Act, subject to the Approbation of One of Her Majesty's Principal Secretaries of State, to frame such Orders and Regulations as may be necessary or expedient for the Purpose of forming every Borough thereby created into a separate Police Division.

As to Watch Committee and Police Clauses of Municipal Corporations Acts.
2 & 3 Vict. c. 28.
3 & 4 Vict. c. 28.

26. Notwithstanding anything herein contained, the Provisions in the Municipal Corporations Acts or in any other Act or Acts contained relative to the Appointment of Watch Committees and Constables, and the levying of Watch Rates, shall not apply to or within any Borough thereby created, except so far as the same may be available at any Time hereafter for the Purposes of any Council, Board, Corporation, or Body which may hereafter be invested by Authority of Parliament with the Control of the Police Force within the Metropolis.

Borough Rate may be raised for any Purpose authorized by Act.

27. The Power given by the Municipal Corporations Acts to the Council of any Borough to order a Borough Rate to be made for the Purposes of the said Act shall, as respects the Boroughs within this Act, extend to the making of a Borough Rate for any Purpose which the Council of any such Borough is by this Act expressly or by Implication or Reference authorized to carry out or fulfil; and it shall be lawful for such Council to defray out of any Borough Rate the Expenses of watching, and, if need be, opposing and hindering the passing of any Bill in Parliament, or any other Matter or Thing which in the Opinion of such Council shall be of a Nature to interfere with the Purposes of this Act, or with the due carrying out of the same.

Expenses of Act may be raised out of Borough Rate.

28. Section 3 of the Act of the Thirteenth and Fourteenth Victoria, Chapter Forty-two, to confirm the Incorporation of certain Boroughs, and to provide for the Payment of the Expenses of the Incorporation of new Boroughs, shall apply to the several Boroughs hereby created, and to the Payment of all Costs and Expenses of or attendant on or in relation to the preparing and passing of this Act, and of or in relation to all Elections, Acts, and Proceedings under the same; and if any Difference shall arise between or amongst any Two or more of the Councils of the said Boroughs as to the Proportion of the Costs and Expenses of or attendant on or in relation to the preparing and passing of this Act, which should be borne by any such Borough or Boroughs, such Difference shall be settled by Arbitration as herein-after provided.

Town Halls may be provided.

29. The Council of every Borough hereby created shall have Power to build or provide a Town Hall and all other necessary Offices for the Use of such Borough.

Power to Churchwardens and others to transfer Charitable Funds to Borough Councils.

30. Where any Hereditaments or Personal Estate are or is vested in the Churchwardens or Churchwardens and Overseers of the Poor, as defined by "The Metropolis Local Management Act, 1855," of any Parish, or in any Person or Persons appointed by or on behalf of the Parishioners of the same, in trust or for the Benefit of any Charitable Uses or Trusts whatsoever, it shall be lawful for such Churchwardens or Overseers, or other Persons, with the Consent of the Charity Commissioners for England and Wales, to transfer the same to the Council of any Borough under this Act wherein such Parish is wholly or partly situate; and a Certificate under the Seal of the Board of Charity Commissioners of England and Wales, expressing their Consent to such Transfer (a Copy whereof shall be entered on the Minutes of the Council of the Borough to which the same shall be made, and sealed with the

Common Seal of such Borough), shall effectually vest all such Hereditaments or Personal Estate in the Council of the Borough therein mentioned, and the Provisions of the Municipal Corporations Acts as to Charitable Trusts and Trustees shall thereupon apply to such Hereditaments or Personal Estate, and to the Councils of such Boroughs.

Councils to have Duties and Powers of Vestries and District Boards under Metropolis Local Management Acts.

31. All the Duties, Powers, and Authorities which by the Metropolis Local Management Acts, or by any other Act or Acts of Parliament, are expressly or by reference given to or vested in the Vestry of any Parish, or the District Board of any District, which is wholly or in part comprised within the Limits of any Borough hereby created, shall (except as herein otherwise provided) from and after the First Election of Councillors for such Borough cease to be so vested in such Vestry or District Board, and shall become vested in and be performed and exercised by the Council of such Borough, as respects any Parish or District wholly comprised within such Borough, so far as relates to the whole of such Parish or District, and as respects any Parish or District partly comprised within such Borough, so far as relates to the Part of such Parish or District which shall be so comprised; and the Powers of the Metropolis Local Management Acts, or of any such other Act or Acts, in reference to Vestries and District Boards, shall (except as herein otherwise provided) be applicable to the Council of every such Borough accordingly, and the Offices of Vestrymen and Members of District Boards, and also of Auditors of Accounts under the said Acts, shall cease, and there shall be no new Election of the same.

Powers and Provisions of Municipal Corporations Acts to be ancillary to those of Metropolis Local Management Acts.

32. As respects all Purposes provided for by the Metropolis Local Management Acts, and which may be carried out and fulfilled by means of the Powers and Authorities hereby transferred from any Vestry or District Board to the Council of any Borough, the Powers, Authorities, and Provisions of the Municipal Corporations Acts shall, unless otherwise herein expressed, be deemed only ancillary and supplemental to the Powers and Authorities so transferred and to the Provisions of the Metropolis Local Management Acts in relation thereto; but nothing herein contained shall be deemed to preclude the Council of any Borough from using and exercising any Power or Authority under the Municipal Corporations Acts in reference to any Purpose provided for by the Metropolis Local Management Acts, by reason that such Power or Authority is not by the Metropolis Local Management Acts vested in any Vestry or District Board, or from raising by Borough Rate over the whole of such Borough any Monies which by the Metropolis Local Management Acts are authorized to be raised by Rates upon any Parish or Part of a Parish within such Borough.

Councils to have Duties and Powers of Commissioners, &c. under Local Acts.

33. All the Duties, Powers, and Authorities for or in relation to any Purpose expressly or by reference provided for or intended to be provided for by this Act, and which the Council of a Borough can, under this Act or otherwise, by Law fulfil and carry out, which are now vested in reference to any Parish comprised wholly or partly within the Limits of such Borough in any Commissioners, or in any Corporation or Body other than the Vestry of any Parish, or any District Board under the Provisions of the Metropolis Local Management Acts, or in any Officer of any Commissioners, Corporation, or other Body (except as herein expressly provided, and also except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration or Relief of the Poor, so far as such Duties, Powers, and Authorities relate thereto), either under any Local Act of Parliament or otherwise howsoever, shall, from and after the First Election of Councillors for such Borough, cease to be so vested in such Commissioners, or other Body or Officer, and shall become vested in and be performed and exercised by the Council of such Borough as aforesaid, as respects any Parish wholly comprised within such Borough, so far as relates to the whole of such Parish, and as respects any Parish partly comprised within such Borough, so far as relates to the Part of such Parish which shall be so comprised; and the Provisions of every such Act of Parliament as aforesaid shall be applicable to the Council of such Borough, and the Officers of all Commissioners and Persons whose Powers are determined by this Act shall cease, and there shall be no new Appointment or Election to any such Office: Provided always, that the Savings contained in Section 91 of "The Metropolis Local Management Act, 1855," shall also apply to this Act, unless where otherwise expressly enacted herein.

Property vested in Vestries, &c. to be transferred to Councils.

34. All Property, Matter, and Things whatsoever vested in any Vestry or District Board, Commissioners, Corporation, Body, or Officer in connexion with any such Duties or Powers as aforesaid, hereby transferred to the Council of any Borough, shall be vested in such Council; and when any such Property, Matters, and Things are vested in any such Vestry or District Board, Commissioners, Corporation, or Body or Officer acting for Parts extending beyond any one Borough, then the Metropolitan Board of Works shall by their Order declare in the Council of what Borough the said Property, Matters, and Things shall be vested, and may, if they see fit, apportion the same between the Boroughs over which respectively the Duties or Powers of such Vestry or District Board, Commissioners, Corporation, Body, or Officers shall extend; or if any such Commissioners, Corporation, or Body or Officer shall act for Parts extending beyond the Limits of the Metropolis as defined by this Act, then may determine what Portion only of the Property, Matters, and Things so vested in them shall be vested in the Council of any such Borough as aforesaid, and the same shall be vested accordingly; and any Money in the Possession of any Commissioners, Corporation, or Body or Officer, which becomes vested in the Council of any Borough under this Enactment, and the Income of any other such Property until sold or disposed of, shall be applicable as nearly as may be for the like Purposes as if this Act had not been passed.

Existing Contracts, &c. to remain valid.

35. All Contracts, Agreements, Bonds, Covenants, or Securities made or entered into with or in favour of the Vestry or District Board, or any Commissioners, Corporation, or Body as aforesaid, or any Person on their Behalf respectively, before the Commencement of this Act, shall remain as valid and effectual, and be proceeded on and enforced as if this Act had not been passed; and no Action, Suit, Prosecution, or Proceeding commenced or carried on by or against such Vestry or District Board, Commissioners, Corporation, or Body, or any of them respectively, shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect as if this Act had not been passed; and all Money coming to such Vestry or District Board, Commissioners, Corporation, or Body, under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, and which would have been applicable by them if this Act had not been passed, for the Purposes of any of the Duties or Powers hereby transferred to the Council of any Borough, shall be paid over to such Council, or as they may direct, and be applied for the like Purposes; and all Monies and Liabilities which such Vestry or District Board, Commissioners, Corporation, or Body or Officer would, if this Act had not been passed, have been liable to pay or discharge under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, out of any Rates levied under any such Powers as aforesaid upon any Parish or Part of a Parish comprised in any Borough under this Act, and all Costs, Damages, and Expenses which such Vestry or District Board, Commissioners, Corporation, or Body, or any of them respectively, might, if this Act had not been passed, have legally defrayed out of any such Rates, shall be paid out of Rates to be levied by the Council of such Borough.

Existing Commissioners, &c. continued

36. Where, under the Provisions of any Local Act, any Election or Appointment of any Commissioners or Persons whose Powers are determined by this Act, is appointed to take place at any Time between till Act comes into operation.

between the passing of this Act and the Time appointed for the Commencement thereof, the Commissioners or Persons now acting under such Local Act shall remain in Office, and perform and exercise all the Duties, Powers, and Authorities of such Act, until the Commencement of this Act, anything in such Local Act to the contrary notwithstanding.

Existing Debts and Liabilities to be discharged.

37. All Debts and Liabilities legally charged upon or payable out of any Rates or Assessments authorized by any Act or Acts of Parliament to be made by any Vestry or District Board, Commissioners, Corporation, or Body, whose Powers are hereby transferred to the Council of any Borough, in or upon any Parish, or any Part of a Parish, comprised within such Borough, shall be charged upon the Rates to be raised under this Act in such Borough, Parish, or Part of a Parish (other than any Rates by the Metropolis Local Management Act, or otherwise directed to be raised as separate Rates for any Purpose); and the Council of every such Borough shall cause the Sums necessary for discharging such Debts and Liabilities to be raised in such Borough, Parish, or Part of a Parish; and such Council shall once in every Year set aside out of the Rates charged under this Act with such Debts and Liabilities, such Sum or Per-centage, and to be applied and dealt with in such Manner as is mentioned in Section 180 of "The Metropolis Local Management Act, 1855," except that the Power of Apportionment thereby given to the Metropolitan Board of Works shall be exercised by the Council of any Borough, as between all Parishes and Districts wholly comprised within such Borough, and shall be exercised by the Metropolitan Board of Works only as between Parishes and Districts comprised in Two or more Boroughs: Provided also, that the Metropolitan Board of Works shall exercise the like Power of Apportionment as by the Section now referred to is provided in Cases where the Rates and Assessments on which any Debt or Liability is charged shall be levied by any Commissioner, Corporation, or Body acting for Parts extending beyond the Limits of the Metropolis.

As to Rates made before Act coming into operation.

38. All Rates made previously to the Commencement of this Act by any Vestry or District Board, Commissioners, Corporation, or Body, whose Duties and Powers are hereby transferred to the Council of any Borough under the Metropolis Local Management Acts, or any other Act or Acts of Parliament, or so much of the same Rates respectively as may not have been levied and paid, shall be levied and collected as if this Act had not been passed, and subject to the Payment or Retainer thereout of any Sum or Expenses thereout lawfully payable, such Rates, if made within a Parish or District wholly comprised in any Borough under

this Act, shall be accounted for and paid over to the Council of the Borough to which the Duties and Powers of the Vestry or District Board, Commissioners, Corporation, or Body which shall have made the same shall be transferred; and if made by any Vestry or District Board, Commissioners, Corporation, or Body acting for Parts extending beyond any One Borough, then shall be apportioned by the Metropolitan Board of Works as herein-before provided in respect of Property vested in such Vestry or District Board, Commissioners, Corporations, or Body, and shall in every Case be applied in aid of the Rates to be raised under this Act, for the like Purposes as the Rates so to be accounted for were raised, in the Borough in which the same were raised.

Savings, &c. applicable to Vestries, &c. to apply to Councils.

39. All Savings and Provisions in any Acts of Parliament saving and providing for the Rights of any Vestries or District Boards, Commissioners, Corporations, and Bodies whose Duties and Powers are by this Act transferred to the Council of any Borough, as respects any Parts within the Metropolis, as defined by this Act, shall, so far as the same are not inconsistent with the Provisions of this Act, continue and have force in favour of and with reference to the Council of such Borough, so far as such Savings and Provisions respectively are now applicable to such Council, or to any Officer or Person continued by such Council to be employed.

Compensations to be under Municipal Corporations Acts.

40. The Provisions of the Municipal Reform Act, Sections 66, 67, 68, as to the Compensation of Officers, shall apply to every Officer of any Vestry or District Board, Commissioners, Corporation, or Body holding any Office of Profit at the Time of the passing of this Act, whose Office shall be abolished, or who shall be removed from Office, or who shall not be re-appointed under the Provisions of this Act, or of any of the Acts herein referred to.

Councils may adopt Parts of Towns Improvement Clauses Act and Local Government Acts, &c.

41. The Council of any Borough created under this Act may, for better carrying out any of the Provisions of this Act, from Time to Time, by Resolution to be forwarded to One of Her Majesty's Principal Secretaries of State, adopt any Part or Parts of the following Acts; viz., "The Towns Improvement Clauses Act, 1847," and (notwithstanding anything in "The Local Government Act, 1858," contained) "The Local Government Act, 1858," and all Acts amending the same, and thereupon the Part or Parts of the said Act or Acts named in such Resolution shall become and be in force within the Borough whose Council shall have adopted the same.

Saving Clauses of Metropolis

42. Sections 240, 241, 242, 243, 244, and 246 of "The Metropolis Local Management Act, 1855," shall apply to this Act, as if the

Local Management Act to apply.

the Words "Council of a Borough" had been inserted therein wherever the Words "Vestry of District Board" occur.

Saving as to Metropolis Police Commissioners.

43. Nothing in this Act contained shall interfere with the Powers given by Law to the Commissioner of Police of the Metropolis, except so far as the same may be affected by Sections Twenty-five and Twenty-six of this Act.

City of London not to be affected.

44. Nothing in this Act contained shall affect the City of London, or the Corporation of the same, or the Powers, Privileges, or Jurisdiction of any of its Officers.

Powers, &c. of Metropolitan Board of Works not to be abridged.

45. Nothing in this Act contained shall abridge the Powers or affect the Constitution of the Metropolitan Board of Works, as the same now exist, except as herein expressly provided.

Inns of Court, &c. not to be affected further than by the Metropolis Local Management Acts.

46. Nothing in this Act contained shall affect the Places mentioned in Schedule (C.) to "The Metropolis Local Management Act, 1855," except so far as they are affected by the Metropolis Local Management Acts, and by the Transfer hereby made of the Duties, Powers, and Authorities of Vestries and District Boards to the Councils of the several Boroughs hereby created.

Boundaries of Parliamentary Boroughs and Electoral Franchise not to be affected.

47. Nothing in this Act contained shall affect the Boundaries of the City of Westminster, or of the Boroughs of Marylebone, Finsbury, Tower Hamlets, Greenwich, Southwark, or Lambeth, or any of them respectively, so far as respects the Representation of the People in the Commons House of Parliament, or the Rights of the said City and Boroughs aforesaid respectively, or any of them, to return Members to serve in Parliament, or the Right of any Citizen, Burgess, or Freemen within the same respectively, or any of them, to vote in the Election of such Members.

Repeal of inconsistent Acts.

48. All Acts of Parliament in force in any Parish to which this Act extends, or in any Part of such Parish, shall, so far as the same are inconsistent with the Provisions of this Act, be repealed as regards such Parish or such Part thereof, notwithstanding any Provisions of this Act continuing and transferring respectively to Councils of Boroughs any Duties, Powers, or Authorities now vested in Vestries, Commissioners, Corporations, or other Bodies.

Provisions of Local Acts may be varied by Her Majesty's Order in Council.

49. Upon the Petition of the Council of any Borough under this Act, but not otherwise, the Provisions of Section 248 of "The Metropolis Local Management Act, 1855," shall apply to this Act.

50. If

Differences between Councils, &c. to be referred to Arbitration.

50. If any Difference shall arise between the Council of any Borough and the Council of any other Borough under this Act, or the Metropolitan Board of Works, or any Commissioners, Corporation, Company, or Body, or any of their Officers, touching the Construction of this Act or of any Act or Acts herein referred to, or touching the carrying out of the Provisions of the same, or touching the Fulfilment and Exercise of the Duties, Powers, or Authorities of such Council or Councils, Metropolitan Board of Works, Commissioners, Corporation, Company, Body, or Officer or Officers (other than such Matters as are hereby expressly referred to the Decision of the Metropolitan Board of Works), such Difference shall be referred to Arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845."

Provision for creating new Boroughs under Act.

51. If the Provisions of the Metropolis Local Management Acts shall at any future Time be extended to any Parishes adjoining the Metropolis as hereby defined, and in which there are not less than *Ten thousand* Inhabitants rated to the Poor, it shall be lawful for Her Majesty, from Time to Time, upon the Petition of not less than *One thousand* Inhabitant Householders of such adjoining Parishes, by the Advice of Her Privy Council, to constitute such Parishes or any of them into a Borough or Boroughs within the Meaning of this Act, and to grant to the Inhabitants of the same respectively a Charter or Charters of Incorporation, to be in force within such Limits as therein set forth; and all the Provisions of this Act shall thereupon, so far as practicable, apply to the Borough or Boroughs so to be constituted: Provided always, that such Notices shall be given as by the Municipal Corporations Acts is provided in case of future Charters of Incorporation, and that every such Charter shall be deemed to have been granted under the Powers in the said Acts contained.

Commencement of Act.

52. This Act shall commence, save as herein otherwise provided, on the *Twenty-fifth* Day of *March One thousand eight hundred and sixty-eight.*

Short Title.

53. This Act may be cited as "The Metropolitan Municipalities Act, 1867."

SCHEDULES.

SCHEDULE (A.)

City and Boroughs.	Parishes.	Wards.	Number of Councillors	Number of Aldermen.	
Westminster	St. Ann, Soho	Soho	3	1	18
	The Rolls Liberty St. Clements Danes St. Mary-le-Strand St. John, Savoy	Strand	6	2	
	St. Paul, Covent Garden St. Martin-in-the-Fields	St. Martin's	6	2	
	St. James, Westminster	St. James'	6	2	
	St. George, Hanover Square	Grosvenor	6	2	
		Knightsbridge	6	2	
		Pimlico	6	2	
	St. Margaret	St. Margaret (In)	6	2	
		St. Margaret (Out)	3	1	
	Close of St. Peter St. John the Evangelist	St. John	6	2	
Kensington	Chelsea	Sloane Street	6	2	14
		Chelsea	6	2	
	Fulham	Fulham	6	2	
	St. Peter and St. Paul, Hammersmith.	Hammersmith	6	2	
	St. Mary Abbot, Kensington	Brompton	6	2	
		Kensington	6	2	
		Notting Hill	6	2	
Marylebone	Paddington	Bayswater	6	2	31
		Paddington	9	3	
	Marylebone	Bryanston	6	2	
		Portman	6	2	
		Cavendish	3	1	
		Langham	6	2	
		Lisson Grove	6	2	
		St. John's Wood	6	2	
	St. John, Hampstead	Hampstead	6	2	
	St. Pancras	Gray's Inn Lane	6	2	
		Tottenham Court Road	6	2	
		Somers Town	6	2	
		Regent's Park	6	2	
		Camden Town	9	3	
		Kentish Town	6	2	

SCHEDULE (A.)—*continued.*

City and Boroughs.	Parishes.	Wards.	Number of Councillors	Number of Aldermen.	
Finsbury	Saffron Hill Hatton Garden Ely Rents Ely Place St. Andrew, Holborn, above Bars St. George the Martyr St. Sepulchre (minus Part in City of London)	Holborn	9	3	25
	St. George, Bloomsbury	Bloomsbury	6	2	
	St. Giles-in-the-Fields	St. Giles	6	2	
	St. Luke's	Finsbury	6	2	
		St. Luke's	6	2	
	Charterhouse Liberty of Glasshouse Yard St. James and St. John, Clerkenwell	Clerkenwell	6	2	
		Pentonville	6	2	
	St. Mary, Islington	Islington	6	2	
		Barnsbury	6	2	
		Canonbury	6	2	
		Highbury	6	2	
		Holloway	6	2	
Hackney	St. Mary, Stoke Newington	Stoke Newington	6	2	20
		Kingsland	6	2	
	Hackney	Hackney	6	2	
	St. Leonard, Shoreditch	Haggerstone	9	3	
		Hoxton	9	3	
		Shoreditch	6	2	
	St. Matthew, Bethnal Green	Hackney Road	6	2	
		Bethnal Green	6	2	
		Victoria Park	6	2	
Tower Hamlets	Old Artillery Ground Norton Folgate, Liberty of Christ Church, Spitalfields Mile End New Town	Spitalfields	6	2	22
	St. Mary, Whitechapel Holy Trinity, Minories St. Botolph Without, Aldgate St. Catherine by the Tower Old Tower Without Tower of London	Whitechapel	9	3	
	St. George's-in-the-East	St. George's-in-the-East.	9	3	
	Mile End Old Town	MileEnd Old Town, W.	6	2	
		MileEnd Old Town, E.	9	3	
	St. John, Wapping St. Paul, Shadwell Ratcliffe Hamlet	Shadwell	6	2	
	St. Ann, Limehouse	Limehouse	6	2	
	St. Mary, Stratford-le-Bow St. Leonard, Bromley	Bow	6	2	
	All Saints, Poplar	Poplar	9	3	

SCHEDULE (A.)—*continued.*

City and Boroughs.	Parishes.	Wards.	Number of Councillors	Number of Aldermen.	
Lambeth	Putney and Roehampton	Putney	3	1	18
	Wandsworth	Wandsworth	3	1	
	St. Mary, Battersea, including Penge.	Battersea	6	2	
	Clapham	Clapham	6	2	
	Tooting Gravenly Streatham	Streatham	3	1	
	Lambeth	Waterloo	6	2	
		Lambeth	9	3	
		Kennington	9	3	
		Brixton	6	2	
		Norwood	3	1	
Southwark	Christ Church St. Saviour and the Clink Liberty	St. Saviour	6	2	24
	St. Olave St. Thomas St. John, Horsleydown	St. Olave	3	1	
	St. George-the-Martyr, Southwark	Borough	6	2	
		Kent Road	3	1	
	St. Mary, Newington	Newington	9	3	
		Walworth	9	3	
	Bermondsey	St. Mary, Bermondsey.	6	2	
		St. James, Bermondsey.	6	2	
	St. Mary, Rotherhithe	Rotherhithe	6	2	
	Camberwell	St. George, Camberwell.	6	2	
		Peckham	6	2	
		St. Giles, Camberwell	6	2	
Greenwich	St. Paul, Deptford St. Nicholas, Deptford	Deptford	9	3	16
	Greenwich	Greenwich	9	3	
	Woolwich	Woolwich	9	3	
	Plumstead	Plumstead	6	2	
	Charlton next Woolwich Lee Kidbrooke	Charlton	6	2	
	Lewisham (minus Sydenham Chapelry).	Lewisham	3	1	
	Sydenham Chapelry	Sydenham	3	1	
	Eltham	Eltham	3	1	

SCHEDULE (B.)

BOUNDARIES of BOROUGHS and the CITY of WESTMINSTER.

The whole Space contained within the outer Boundaries of the several Parishes named respectively in the Second Column of the said Schedule (A.) to this Act annexed.

SCHEDULE (C.)

Boroughs.	Police Courts.	Boroughs.	Police Courts.
Westminster	Bow Street. 21, Great Marlborough Street. Vincent Square.	Hackney	43, Worship Street.
Kensington	Vernon Street, Hammersmith Road.	Tower Hamlets	Arbour Street, E., Arbour Square.
Marylebone	86, High Street, Marylebone.	Lambeth	Lower Kennington Lane. Love Lane, Wandsworth.
St. Pancras. Finsbury	King's Cross Road.	Southwark	Between 56 and 60, Blackman Street.
		Greenwich	Greenwich. Woolwich.

Municipal Corporations (Metropolis).

A

BILL

For the Establishment of Municipal Corporations within the Metropolis.

(Prepared and brought in by
Mr. Mill, Mr. Thomas Hughes, and
Mr. Tomline.)

Ordered, by The House of Commons, *to be Printed,*
21 *May* 1867.

[Bill 166.]

Under 3 *oz.*

A

B I L L

FOR

Amending the Law relating to Murder, and for giving further Protection to new-born Children.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I.—PRELIMINARY.

Short Title.

1. This Act may be cited as The Law of Murder Amendment Act, 1867.

Extent of Act.

2. This Act shall not extend to Scotland.

II.—MURDER.

Punishment of Murder.

3. Where any Person is convicted of Murder on an Indictment or Inquisition, he shall be punished as follows; (that is to say,)

1. If the Jury by whom he is tried find that he committed the Crime with a deliberate Intention to kill or to do some grievous bodily Harm to the Person killed, or to kill or to do some grievous bodily Harm to some other Person,—

He shall suffer *Death* as a Felon:

2. If the Jury by whom he is tried find that he committed the Crime with a view to and in or immediately before or immediately after the Commission by himself of any of the following Felonies; (that is to say), of Rape, Burglary, Robbery, Piracy, or the Felony of unlawfully and maliciously setting fire to any Dwelling House, any Person being therein,—
   He shall suffer *Death* as a Felon:
3. If the Jury by whom he is tried find that he committed the Crime for the Purpose of thereby enabling himself or any other Person to commit Murder or any of the above-mentioned Felonies,—
   He shall suffer *Death* as a Felon:
4. If the Jury by whom he is tried find that he committed the Crime in the Act of Escape from or for the Purpose of thereby enabling himself or any other Person to escape from or avoid lawful Arrest or Detainer, immediately after he or such other Person has committed or attempted to commit Murder or any of the above-mentioned Felonies,—
   He shall suffer *Death* as a Felon:
5. If the Jury by whom he is tried find that he murdered a Constable or other Peace Officer acting in the Discharge of his Duty,—
   He shall suffer *Death* as a Felon:
6. In any other Case,—
   He shall be liable in the Discretion of the Court to be kept in Penal Servitude for *Life*, or for any Term of not less than *Seven Years*.

Law as to Principals and Accessories not to be affected.

4. Nothing herein contained shall alter or affect the Law as to Principals and Accessories.

Power for Court to record Judgment of Death.

5. On a Conviction for Murder, the Court may abstain from pronouncing Judgment of Death on the Offender, and in that Case the proper Officer shall ask if the Offender has anything to say why Judgment of Death should not be recorded against him.

If the Offender does not allege anything sufficient in Law to arrest or bar Judgment of Death, the Court shall order Judgment of Death to be entered on Record against him, and thereupon the proper Officer shall enter Judgment of Death on Record against the Offender in the accustomed Form, as if Judgment of Death had been actually pronounced in open Court against him by the Court.

Effect of recording of Judgment.

6. The Record of Judgment so entered shall have the like Effect to all Intents and be followed by all the like Consequences as if

Judgment of Death had actually been pronounced against the Offender in open Court, but Execution thereof had been respited.

General Saving.

7. All Indictments and Inquisitions for Murder shall be valid if framed in manner hitherto in use, and all Acts of Parliament, Laws, and Customs for and relating to the Crime of Murder and the Punishment thereof shall, except in so far as they are altered by or are inconsistent with this Act, remain in full Force.

III.—PROTECTION OF NEW-BORN CHILDREN.

Wounding of new-born Child to be Felony punishable with Penal Servitude.

8. If any Person during the Birth of a Child, or within *Seven Days* thereafter, unlawfully and maliciously wounds the Child or inflicts on it any grievous bodily Harm, every such Person shall be guilty of Felony, and on Conviction thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding *Ten Years* or less than *Five Years*, or to be imprisoned for any Term not exceeding *Two Years*, with or without Hard Labour, and with or without Solitary Confinement.

Proof of Child being born alive unnecessary.

9. On an Indictment under this Act for the Felony of wounding a Child or inflicting on it grievous bodily Harm, it shall not be necessary to prove that the Child was completely born alive.

Indictment for Murder, &c. not precluded.

10. The Provisions of this Act respecting the Felony of wounding a Child or inflicting on it grievous bodily Harm shall not preclude in any Case an Indictment for Murder or for Manslaughter or for wounding or causing grievous bodily Harm with Intent to commit Murder.

No Acquittal on Ground of Offence being Murder, &c.

11. On an Indictment under this Act for the Felony of wounding a Child or inflicting on it grievous bodily Harm, the Accused shall not be entitled to be acquitted on the Ground that the Offence amounted to Murder or to Manslaughter or to the Felony of wounding or causing grievous bodily Harm with Intent to commit Murder.

On Trial for Murder, Conviction for wounding Child, &c.

12. If any Person tried for the Murder of a Child is acquitted thereof, the Jury may (according to the Evidence) find him or her guilty of the Felony under this Act of wounding the Child or inflicting on it grievous bodily Harm (for which Purpose it shall not be necessary to prove that the Child was completely born alive), and thereupon the Offender shall be liable to the like Punishment as if he or she had been convicted on an Indictment for the last-mentioned Felony.

On Trial for Murder Verdict for Concealment not allowed.

13. On an Indictment for the Murder of a Child it shall not be lawful for the Jury to find the Accused guilty of the Offence of endeavouring to conceal the Birth of the Child; and the Proviso authorizing such Finding, and contained in the Sixtieth Section of the Act of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter One hundred, is henceforth repealed.

IV.—SAVING CLAUSE.

Saving of Prerogative of Mercy.

14. Nothing in this Act shall affect Her Majesty's Royal Prerogative of Mercy.

Murder Law Amendment.

A

BILL

For amending the Law relating to Murder, and for giving further Protection to new-born Children.

(Prepared and brought in by Mr. Secretary Walpole, Mr. Attorney General, and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,*
14 February 1867.

[Bill 25.]

Under 1 *oz.*

A

BILL

TO

Provide for the Conversion of Twenty-four million Pounds Sterling of the National Debt into Terminable Annuities.

WHEREAS it is expedient to make further Provision for the gradual Reduction of the National Debt:

25 Vict. c. 25.

And whereas by an Act passed in the Twenty-sixth Year of Her present Majesty, Chapter Twenty-five, it was enacted, that in place of certain Capital Stocks of Annuities standing in the Names of the Commissioners for the Reduction of the National Debt for Savings Banks, and by the said Act cancelled, consisting of Eighteen million Pounds of New Three per Cent. Annuities and Three per Cent. Reduced Annuities, and of Six million Pounds of Consolidated Three per Cent. Annuities, a Charge should be created and be written into the Books of Her Majesty's Treasury, and at the Receipt of the Exchequer for Savings Banks, of Twenty-four million Pounds Sterling, bearing Interest at Three Pounds per Centum per Annum, payable out of the Consolidated Fund:

And whereas it is expedient for such Purpose to convert the said Sum of Twenty-four million Pounds and the Interest payable thereon into equivalent Annuities for a Term or Terms of Years:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Charge of 24,000,000*l.* on Consolidated Fund to be cancelled and Terminable Annuities created.

1. The Commissioners of Her Majesty's Treasury may, by Warrants under their Hands, order and direct that the Sums of *Eighteen million Pounds* and *Six million Pounds*, making up the said Charge of *Twenty-four million Pounds* on the Consolidated Fund, shall be cancelled in the Books of the Treasury and in the Books of the Exchequer and Audit Department; and upon the Issue of such Warrants the Proportions of such Charge shall be so cancelled accordingly, and all Interest thereupon shall thenceforth cease to be payable, and in place of such Sums and the annual Interest thereon, the Commissioners of Her Majesty's Treasury shall by such Warrants create for Savings Banks Terminable Annuities for such Number of Years not exceeding *Twenty* as shall to the said Commissioners appear to be expedient.

Investment of Surplus Annuities.

2. The Commissioners for the Reduction of the National Debt shall apply from Time to Time such Parts of any Terminable Annuities created under the Authority of this Act as shall not be required to pay the Demands of the Trustees of Savings Banks in the Purchase of Capital Stocks of Perpetual Annuities, or of such other Parliamentary Securities as the Commissioners for the Reduction of the National Debt are now by Law empowered to purchase with other Monies received from Savings Banks.

Payable out of Consolidated Annuities.

3. The Terminable Annuities created by Authority of this Act shall be charged upon the Consolidated Fund, and shall be payable to the Commissioners for the Reduction of the National Debt out of the said Consolidated Fund, or out of the growing Produce thereof, at such quarterly or half-yearly Periods as shall be fixed by the Warrants creating such Annuities.

Amount of Terminable Annuities to be granted to be certified by Comptroller General and Actuary of National Debt Office.

4. The Amount of the said equivalent Terminable Annuities so to be granted shall be certified to the said Commissioners of the Treasury under the Hands of the Comptroller General or Assistant Comptroller, and of the Actuary of the National Debt Office acting under the said Commissioners for the Reduction of the National Debt, and shall be ascertained according to the Tables for the Time being in force in relation to the Grant of Annuities by the said Commissioners under the Act of the Tenth Year of King George the Fourth, Chapter Twenty-four.

Terminable Annuities to be inscribed in Books of Bank of England.

5. The Terminable Annuities created under the Authority of this Act shall be inscribed by the Governor and Company of the Bank of England in the Books of the said Governor and Company for the Commissioners for the Reduction of the National Debt for Savings Banks, and the Warrants of the Commissioners of Her Majesty's Treasury issued under the Authority of this Act shall be sufficient Authority to the said Governor and Company for inscribing such Annuities in the Books of the said Governor and Company for the said Commissioners for the Fund for the Banks for Savings; and Copies of all such Warrants shall be laid before both Houses of Parliament, if Parliament shall be then sitting, within *Ten Days* from the Dates thereof, and if not sitting, within *Ten Days* from the next re-assembling of Parliament.

National Debt.

A

BILL

To provide for the Conversion of Twenty-four million Pounds Sterling of the National Debt into Terminable Annuities.

(Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed*
8 *April* 1867.

[Bill 114.]

Under 1 *oz.*

A

BILL

TO

Make further Provision for the Enlargement of the National Gallery.

Preamble.

WHEREAS under the Provisions of the Act of the Twenty-ninth and Thirtieth Years of Her Majesty, Chapter Eighty-three, (called "The National Gallery Enlargement Act, 1866,") the Commissioners of Her Majesty's Works and Public Buildings have acquired or are empowered to acquire certain Lands for the Enlargement and Improvement of the National Gallery:

And whereas the Lands described and shown in the Plans herein-after particularly mentioned are Part of the Lands to which the said Act relates, but the said Commissioners have no Power to acquire the same under the Authority of that Act otherwise than by Agreement:

And whereas no Agreement has been made with the Owners or reputed Owners of the said Lands for the Purchase thereof, and such Owners or reputed Owners are of themselves incapacitated from entering into any valid Agreement for that Purpose, and the said Lands being required and necessary for the Enlargement and Improvement of the National Gallery contemplated by the said Act, it is expedient that the said Commissioners should have such further Powers of acquiring and appropriating the said Lands as are herein-after contained:

Deposit of Plans and Book of Reference descriptive of Site.

And whereas duplicate Plans describing the Situation of the said Lands to which this Act relates (herein-after referred to as the prescribed Lands), with a Book of Reference thereto containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers thereof, have been deposited with the Clerk of the Peace for the County of Middlesex at his Office at the Sessions House, Clerkenwell, in the said County, and with the Vestry Clerk of the Parish of Saint Martin in the Fields at his Office:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Purposes of the Act.

1. The Purposes of this Act are the Acquisition and Appropriation of additional Lands for the Enlargement and Improvement of the National Gallery aforesaid, and the constructing and doing such Works and Things as are conducive to the Attainment of the above Purposes, or any of them, or incidental thereto.

Commissioners of Her Majesty's Works as incorporated to carry this Act into effect.

2. The Commissioners of Her Majesty's Works and Public Buildings as incorporated by the Act of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Twenty-eight, and who are herein-after referred to as the Commissioners, shall have the Charge of carrying this Act into effect; but all the prescribed Lands as and when they shall be acquired for or become appropriated to the Purposes of this Act shall be conveyed to Her Majesty, Her Heirs or Successors, for the Purposes of this Act, or for such other Purposes of public Utility as may be sanctioned by Parliament; nevertheless any Parts of the prescribed Lands which may not be required for the Purposes of this Act may be sold and disposed of by the Commissioners in manner by the said Act of the Fifteenth and Sixteenth Years of Her Majesty authorized and prescribed, and the Commissioners in such Case shall have Power to convey all the Estate and Interest of Her Majesty, Her Heirs or Successors, in the Land so sold or disposed of.

Power of Commissioners to purchase Lands.

3. *The Commissioners may, out of any Monies which have been or may be placed at their Disposal by Parliament for that Object, purchase, take, and use the whole or any Part of the prescribed Lands.*

Commissioners may enter to survey or value.

4. The Commissioners, their Surveyors, Officers, and Workmen, may at all reasonable Times in the Daytime, upon giving *Twenty-four Hours* previous Notice in Writing, enter into and upon any of the prescribed Lands for the Purposes of surveying or valuing the same.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106., with certain Exceptions, incorporated.

5. The Lands Clauses Consolidation Acts of 1845 and 1860 shall be incorporated with this Act, with the Exceptions and subject to the Provisions herein-before contained, and also with the Exceptions and Additions and subject to the Provisions herein-after contained; that is to say,

1. There shall not be incorporated with this Act the Provisions in Section Sixteen of the Act of 1845, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force, or the Provisions relating to affording Access to the Special Act:
2. In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the Special Act, and the Commissioners shall be deemed to be "the Promoters of the Undertaking:"
3. The Bond required by Section Eighty-five of the Act of 1845 shall be under the Common Seal of the Commissioners, and shall be sufficient without the Addition of Sureties in the said Section mentioned.

Extinction of Rights of Way and other Easements.

6. Upon the Purchase or Acquisition for the Purposes of this Act of the prescribed Lands or any Part thereof (save as herein-after provided), all Rights of Way, Rights of laying down or of continuing any Pipes, Sewers, or Drains on, through, or under such Lands or Part thereof, and all other Rights or Easements in or relating to such Land or Part thereof, shall be extinguished, and all the Soil of such Ways, and the Property in the Pipes, Sewers, or Drains, shall vest or continue vested in Her Majesty, subject to this Provision, that all Persons and Bodies of Persons, corporate or unincorporate, may recover from the Commissioners such Compensation (if any) as they may be entitled to for any Rights or Property of which they may be deprived in pursuance of this Section, the Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

As to Claims for Compensation for yearly Tenants.

7. All Claims for Compensation made upon the Commissioners under the Provisions of this Act or any Act incorporated herewith shall, if the Person claiming to be entitled to Compensation has no greater Interest than as Tenant for a Year or from Year to Year in the Lands in respect of which the Compensation is claimed, be determined in manner provided by the One hundred and twenty-first Section of "The Lands Clauses Consolidation Act, 1845."

Limit for compulsory Purchases.

8. The Limit for the compulsory Purchase of Lands under this Act shall be Five Years.

Powers to Commissioners to execute Works.

9. The Commissioners may pull down and remove any Buildings on the prescribed Lands, and may construct thereon such Buildings and Works and do all such other Things as may in their Opinion be necessary or expedient in order to carry into effect the Purposes of this Act, or any of them.

As to Rights of Metropolitan Board of Works.

10. Nothing in this Act shall extend to take away or impair any Rights or Jurisdiction of the Metropolitan Board of Works in relation to any Sewers, Drains, or Watercourses.

Buildings exempt from 18 & 19 Vict. c. 122.

11. All Buildings erected on the prescribed Lands shall be exempt from the Operation of the First Part of "The Metropolitan Buildings Act, 1855."

No Purchase to be made without the Authority of the Treasury.

12. No Purchase shall be made by the Commissioners for the Purposes of this Act without the Consent in Writing of the Commissioners of Her Majesty's Treasury; but it shall not be necessary for any Vendor or for any Purchaser from the Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent; and any such Assent may be given either generally or for any particular Purchase or Purchases, as to the said Commissioners of the Treasury may seem meet.

Authentication of Notices.

13. Every Notice, Summons, Writ, or other Document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the Solicitor or Secretary for the Time being of the Commissioners, and need not be under the Common Seal of the Commissioners.

Contracts made by First Commissioner of Works to be valid.

14. All Contracts in Writing made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners incorporated as aforesaid shall be valid, and shall be binding on the Commissioners as if the same had been under their Corporate Seal.

Monies payable to the Commissioners to be paid to Her Majesty's Paymaster General.

15. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt, unstamped, shall be a sufficient Discharge for the same to the Persons paying the same;

and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners shall so direct.

Orders concerning Money paid into Court may be made at Chambers.

16. All Orders which under this Act the Court of Chancery is empowered to make on Motion or Petition in relation to any Money paid into the Bank of England with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, or the Costs of any Application, may be made by any Judge of the said Court, upon Application to him while sitting at Chambers, upon Summons, in like Manner as in other Cases in which Proceedings may be so had; subject nevertheless to any General Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court on any such Applications.

Penalty for obstructing Commissioners.

17. If any Person wilfully obstruct any Person acting under the Authority of the Commissioners in the lawful Exercise of the Power vested in them under this Act, he shall forfeit a Sum not exceeding *Five Pounds* for every such Offence, to be recovered in a summary Manner.

Deeds not liable to Stamp Duty.

18. No Deed, Bond, or other Instrument made by, to, or with the Commissioners for any of the Purposes of this Act shall be subject to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments are specially charged therewith in such future Act.

Deeds to be enrolled in Court of Exchequer.

19. Every Conveyance, Assignment, or other Deed or Instrument whereby any Land by this Act authorized to be purchased is conveyed or assigned to Her Majesty, Her Heirs and Successors, for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Plans to be deposited in the Office of Works, and to be open for Inspection.

20. A Copy of the Plan of the prescribed Lands shall be deposited at the Office of the Commissioners, and shall remain at the said Office to the end that all Persons may at all seasonable Times, on Payment of a Fee of One Shilling, have Liberty to inspect the same.

Short Title.

21. This Act may be cited for all Purposes as "The National Gallery Enlargement Act, 1867."

National Gallery Enlargement.

A

BILL

To make further Provision for the Enlargement of the National Gallery.

(Prepared and brought in by
Lord John Manners and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,*
19 *March* 1867.

[Bill 82.]

Under 1 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Make further Provision for the Enlargement of the National Gallery.

WHEREAS under the Provisions of the Act of the Twenty-ninth and Thirtieth Years of Her Majesty, Chapter Eighty-three, (called "The National Gallery Enlargement Act, 1866,") the Commissioners of Her Majesty's Works and Public Buildings have acquired or are empowered to acquire certain Lands for the Enlargement and Improvement of the National Gallery: **Preamble.**

And whereas the Lands described and shown in the Plans herein-after particularly mentioned are Part of the Lands to which the said Act relates, but the said Commissioners have no Power to acquire the same under the Authority of that Act otherwise than by Agreement:

And whereas no Agreement has been made with the Owners or reputed Owners of the said Lands for the Purchase thereof, and such Owners or reputed Owners are of themselves incapacitated from entering into any valid Agreement for that Purpose, and the said Lands being required and necessary for the Enlargement and Improvement of the National Gallery contemplated by the said Act, it is expedient that the said Commissioners should have such further Powers of acquiring and appropriating the said Lands as are herein-after contained:

Deposit of Plans and Book of Reference descriptive of Site.

And whereas duplicate Plans describing the Situation of the said Lands to which this Act relates (herein-after referred to as the prescribed Lands), with a Book of Reference thereto containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers thereof, have been deposited with the Clerk of the Peace for the County of Middlesex at his Office at the Sessions House, Clerkenwell, in the said County, and with the Vestry Clerk of the Parish of Saint Martin in the Fields at his Office:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Purposes of the Act.

1. The Purposes of this Act are the Acquisition and Appropriation of additional Lands for the Enlargement and Improvement of the National Gallery aforesaid, and the constructing and doing such Works and Things as are conducive to the Attainment of the above Purposes, or any of them, or incidental thereto.

Commissioners of Her Majesty's Works as incorporated to carry this Act into effect.

2. The Commissioners of Her Majesty's Works and Public Buildings as incorporated by the Act of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Twenty-eight, and who are herein-after referred to as the Commissioners, shall have the Charge of carrying this Act into effect; but all the prescribed Lands as and when they shall be acquired for or become appropriated to the Purposes of this Act shall be conveyed to Her Majesty, Her Heirs or Successors, for the Purposes of this Act, or for such other Purposes of public Utility as may be sanctioned by Parliament; nevertheless any Parts of the prescribed Lands which may not be required for the Purposes of this Act may be sold and disposed of by the Commissioners in manner by the said Act of the Fifteenth and Sixteenth Years of Her Majesty authorized and prescribed, and the Commissioners in such Case shall have Power to convey all the Estate and Interest of Her Majesty, Her Heirs or Successors, in the Land so sold or disposed of.

Power of Commissioners to purchase Lands.

3. *The Commissioners may, out of any Monies which have been or may be placed at their Disposal by Parliament for that Object, purchase, take, and use the whole or any Part of the prescribed Lands.*

Commissioners may enter to survey or value.

4. The Commissioners, their Surveyors, Officers, and Workmen, may at all reasonable Times in the Daytime, upon giving Twenty-four Hours previous Notice in Writing, enter into and upon any of the prescribed Lands for the Purposes of surveying or valuing the same.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106., with certain Exceptions, incorporated.

5. The Lands Clauses Consolidation Acts of 1845 and 1860 shall be incorporated with this Act, with the Exceptions and subject to the Provisions herein-before contained, and also with the Exceptions and Additions and subject to the Provisions herein-after contained; that is to say,

1. There shall not be incorporated with this Act the Provisions in Section Sixteen of the Act of 1845, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force, or the Provisions relating to affording Access to the Special Act:
2. In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be the Special Act, and the Commissioners shall be deemed to be "the Promoters of the Undertaking:"
3. The Bond required by Section Eighty-five of the Act of 1845 shall be under the Common Seal of the Commissioners, and shall be sufficient without the Addition of Sureties in the said Section mentioned.

CLAUSE A. Compensation for Schools taken for Purposes of this Act.

6. Notwithstanding anything in this Act or in the Acts incorporated herewith contained, the Amount of Compensation to be paid by the Commissioners for the Lands belonging to the Parochial Schools of the Parish of St. Martin-in-the-Fields in the County of Middlesex, or to the School in the said Parish founded by Archbishop Tenison, which may be compulsorily taken for the Purposes of this Act, shall be estimated and adjudged for the Cost of the Reinstatement of Archbishop Tenison's School within or in proximity to the Parish of St. Martin-in-the-Fields, and of the Reinstatement of the Parochial Schools within the said Parish.

Extinction of Rights of Way and other Easements.

7. Upon the Purchase or Acquisition for the Purposes of this Act of the prescribed Lands or any Part thereof (save as herein-after provided), all Rights of Way, Rights of laying down or of continuing any Pipes, Sewers, or Drains on, through, or under such Lands or Part thereof, and all other Rights or Easements in or relating to such Land or Part thereof, shall be extinguished, and all the Soil of such Ways, and the Property in the Pipes, Sewers, or Drains, shall vest or continue vested in Her Majesty, subject to this Provision, that all Persons and Bodies of Persons, corporate or unincorporate, may recover from the Commissioners such Compensation (if any) as they may be entitled to for any Rights or Property of which they may be deprived in pursuance of this Section, the

Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

As to Claims for Compensation by yearly Tenants.

8. All Claims for Compensation made upon the Commissioners under the Provisions of this Act or any Act incorporated herewith shall, if the Person claiming to be entitled to Compensation has no greater Interest than as Tenant for a Year or from Year to Year in the Lands in respect of which the Compensation is claimed, be determined in manner provided by the One hundred and twenty-first Section of "The Lands Clauses Consolidation Act, 1845."

Limit for compulsory Purchases.

9. The Limit for the compulsory Purchase of Lands under this Act shall be Five Years.

Powers to Commissioners to execute Works.

10. The Commissioners may pull down and remove any Buildings on the prescribed Lands, and may construct thereon such Buildings and Works and do all such other Things as may in their Opinion be necessary or expedient in order to carry into effect the Purposes of this Act, or any of them.

As to Rights of Metropolitan Board of Works.

11. Nothing in this Act shall extend to take away or impair any Rights or Jurisdiction of the Metropolitan Board of Works in relation to any Sewers, Drains, or Watercourses.

Buildings exempt from 18 & 19 Vict. c. 122.

12. All Buildings erected on the prescribed Lands shall be exempt from the Operation of the First Part of "The Metropolitan Buildings Act, 1855."

No Purchase to be made without the Authority of the Treasury.

13. No Purchase shall be made by the Commissioners for the Purposes of this Act without the Consent in Writing of the Commissioners of Her Majesty's Treasury; but it shall not be necessary for any Vendor or for any Purchaser from the Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent; and any such Assent may be given either generally or for any particular Purchase or Purchases, as to the said Commissioners of the Treasury may seem meet.

Authentication of Notices.

14. Every Notice, Summons, Writ, or other Document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the Solicitor or Secretary for the Time being of the Commissioners, and need not be under the Common Seal of the Commissioners.

Contracts made by First Commissioner of Works to be valid.

15. All Contracts in Writing made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners incorporated as aforesaid shall be valid, and shall be binding on the Commissioners as if the same had been under their Corporate Seal.

Monies payable to the Commissioners to be paid to Her Majesty's Paymaster General.

16. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General or the Assistant Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt, unstamped, shall be a sufficient Discharge for the same to the Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners shall so direct.

Orders concerning Money paid into Court may be made at Chambers.

17. All Orders which under this Act the Court of Chancery is empowered to make on Motion or Petition in relation to any Money paid into the Bank of England with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, or the Costs of any Application, may be made by any Judge of the said Court, upon Application to him while sitting at Chambers, upon Summons, in like Manner as in other Cases in which Proceedings may be so had; subject nevertheless to any General Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court on any such Applications.

Penalty for obstructing Commissioners.

18. If any Person wilfully obstruct any Person acting under the Authority of the Commissioners in the lawful Exercise of the Power vested in them under this Act, he shall forfeit a Sum not exceeding Five Pounds for every such Offence, to be recovered in a summary Manner.

Deeds not liable to Stamp Duty.

19. No Deed, Bond, or other Instrument made by, to, or with the Commissioners for any of the Purposes of this Act shall be subject to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments are specially charged therewith in such future Act.

Deeds to be enrolled in Court of Exchequer.

20. Every Conveyance, Assignment, or other Deed or Instrument whereby any Land by this Act authorized to be purchased is conveyed or assigned to Her Majesty, Her Heirs and Successors, for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Plan to be deposited in the Office of Works, and to be open for Inspection.

21. A Copy of the Plan of the prescribed Lands shall be deposited at the Office of the Commissioners, and shall remain at the said Office to the end that all Persons may at all seasonable Times, on Payment of a Fee of One Shilling, have Liberty to inspect the same.

Short Title.

22. This Act may be cited for all Purposes as "The National Gallery Enlargement Act, 1867."

National Gallery Enlargement.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To make further Provision for the Enlargement of the National Gallery.

(Prepared and brought in by Lord John Manners and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,*
27 May 1867.

[Bill 169.]

Under 1 *oz.*

A

BILL

INTITULED

An Act to make further Provision respecting the Naval Knights of Windsor.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lieutenants retired as Commanders eligible.

1. A Lieutenant of the Royal Navy retired with the Rank of Commander, being otherwise qualified, shall be eligible for Appointment as One of the Naval Knights of Windsor.

Widowers to be deemed Single Men.

2. Widowers shall be deemed Single Men within the Meaning of the Will of the Founder of the Naval Knights of Windsor, and Appointments of Widowers to that Foundation heretofore made are hereby confirmed.

Short Title.

3. This Act may be cited as The Naval Knights of Windsor Act, 1867.

Naval Knights of Windsor.

[H.L.]

A

B I L L

INTITULED

An Act to make further Provision respecting the Naval Knights of Windsor.

(*Brought from the Lords* 30 *July* 1867.)

Ordered, by The House of Commons, *to be Printed,*
5 *August* 1867.

[Bill 300.]

Under 1 *oz.*

A

BILL

INTITULED

An Act for the Protection of Naval Stores.

[Note.—*The Word printed in Red Ink is proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Naval Stores Act, 1867. Short Title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

3. In this Act— Interpretation.

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Dealer in Marine Stores" means a Person bound to conform to the Regulations of The Merchant Shipping Act, 1854, Section Four hundred and eighty: 17 & 18 Vict. c. 104. s. 480.

24 & 25 Vict. c. 110.

The Term "Dealer in old Metals" has the same Meaning as in The Old Metal Dealers Act, 1861:

The Term "Stores" includes all Goods and Chattels and any single Store or Article.

27 & 28 Vict. c. 91. repealed as to future Offences.

4. The Naval and Victualling Stores Act, 1864, is hereby repealed; but this Repeal or anything in this Act shall not apply to or in respect of any Offence, Act, or Thing committed or done before the passing of this Act.

Marks in Schedule appropriated for Naval Stores.

5. The Marks described in the Schedule to this Act may be applied in or on Stores therein described in order to denote Her Majesty's Property in Stores so marked.

It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen, to apply those Marks or any of them in or on any such Stores.

If any Person, without lawful Authority (Proof of which Authority shall lie on the Party accused), applies any of those Marks in or on any such Stores, he shall be guilty of a Misdemeanour, and shall, on Conviction thereof, be liable to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Obliteration, with Intent to conceal, &c., Felony.

6. If any Person, with Intent to conceal Her Majesty's Property in any Stores, takes out, destroys, or obliterates, wholly or in part, any such Mark as aforesaid, he shall be guilty of Felony, and shall on Conviction thereof be liable, in the Discretion of the Court before which he is convicted, to be kept in Penal Servitude for any Term not exceeding Five Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Knowingly receiving, &c. marked Stores a Misdemeanour.

7. If any Person, without lawful Authority (Proof of which Authority shall lie on the Party accused), receives, possesses, keeps, sells, or delivers any Stores bearing any such Mark as aforesaid, knowing them to bear such Mark, he shall be guilty of a Misdemeanour, and shall, on Conviction thereof, be liable to be imprisoned for any Term not exceeding One Year, with or without Hard Labour.

Knowledge of Stores being marked presumed against Dealers, &c.

8. Where the Person charged with such a Misdemeanour as last aforesaid was at the Time at which the Offence is charged to have been committed in Her Majesty's Service, or in the Service of the Admiralty, or a Dealer in Marine Stores or in old Metals, or a Pawnbroker, Knowledge on his Part that the Stores to which the Charge relates bore such a Mark as aforesaid shall be presumed until the contrary is shown.

Summary Conviction in certain Cases.

9. A Person charged with such a Misdemeanour as last aforesaid in relation to Stores the Value whereof does not exceed Five Pounds shall be liable on summary Conviction before a Justice of the Peace to a Penalty not exceeding Twenty Pounds, or, in the Discretion of the Justice, to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour.

Penalty on Dealer, &c. found in possession of unmarked Stores, and not accounting.

10. If Stores are found in the Possession of a Person being in Her Majesty's Service, or in the Service of the Admiralty, or being a Dealer in Marine Stores or in old Metals, or a Pawnbroker, and he is taken or summoned before a Justice of the Peace, and such Stores do not bear any such Mark as aforesaid, but the Justice sees reasonable Grounds for believing them to be or to have been Her Majesty's Property, then if such Person does not satisfy the Justice that he came by the Stores so found lawfully, he shall be liable, on Conviction by the Justice, to a Penalty not exceeding Five Pounds.

Effect of Conviction of Dealer in old Metals.

11. A Conviction under this Act of a Dealer in old Metals shall, for the Purposes of Registration and its Consequences under The Old Metal Dealers Act, 1861, be equivalent to a Conviction under that Act.

Persons not Dealers in Marine Stores, &c., found in possession, and not satisfactorily accounting, Penalty.

12. In order to prevent a Failure of Justice in some Cases by reason of the Difficulty of proving Knowledge of the Fact that Stores bore such a Mark as aforesaid,—

If Stores bearing such a Mark are found in the Possession of a Person not being in Her Majesty's Service, or in the Service of the Admiralty, and not being a Dealer in Marine Stores or in old Metals, or a Pawnbroker, the following Provisions shall have effect:—

(1.) If such Person, when taken or summoned before a Justice of the Peace, does not satisfy the Justice that he came by the Stores so found lawfully, he shall be liable, on Conviction by the Justice, to a Penalty not exceeding Five Pounds:

(2.) If he satisfies the Justice that he came by the Stores so found lawfully, the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case require, may summon before him every Person through whose Hands such Stores appear to have passed, and if any such Person as last aforesaid who has had Possession thereof does not satisfy the Justice that he came by the same lawfully, he shall be liable, on Conviction by the Justice, to a Penalty not exceeding Five Pounds.

Criminal Possession explained.

13. For the Purposes of this Act, Stores shall be deemed to be in the Possession or Keeping of any Person if he knowingly has them in the actual Possession or Keeping of any other Person, or in any House, Building, Lodging, Apartment, Field, or Place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own Use or Benefit or for the Use or Benefit of another.

Policemen of Metropolitan Force may stop suspected Persons, &c.

14. A Constable of the Metropolitan Police Force may, within the Yard and Limits for which he is sworn, stop, search, and detain any Vessel, Boat, or Carriage in or on which there is reason to suspect that any of Her Majesty's Stores stolen or unlawfully obtained may be found or any Person reasonably suspected of then and there having in his Possession any such Stores stolen or unlawfully obtained.

Sections 98, 99, 100, 103, 105, 107 to 113, and 115 to 121 of 24 & 25 Vict. c. 96. incorporated with this Act.

15. The following Sections of the Act of the Session of the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign (Chapter Ninety-six), "to consolidate and amend the Statute Law "of England and Ireland relating to Larceny and other similar "Offences," shall be incorporated with this Act, and shall for the Purposes of this Act be read as if they were here re-enacted, namely, Sections Ninety-eight to One hundred, One hundred and three, One hundred and five, One hundred and seven to One hundred and thirteen, and One hundred and fifteen to One hundred and twenty-one, all inclusive; and for this Purpose the Expression "this Act," when used in the Sections herein incorporated, shall be taken to include the present Act.

Prohibition of sweeping, &c. for Stores within 100 Yards of Dockyards, &c.

16. It shall not be lawful for any Person, without Permission in Writing from the Admiralty, or from some Person authorized by the Admiralty in that Behalf, Proof of which Permission shall lie on the Party accused, to creep, sweep, dredge, or otherwise search for Stores in the Sea or any tidal Water within One hundred Yards from any Vessel belonging to Her Majesty or in Her Majesty's Service, or from any Mooring Place or Anchoring Place appropriated to such Vessels, or from any Moorings belonging to Her Majesty, or from any of Her Majesty's Wharves, or Dock, Victualling, or Steam Factory Yards.

If any Person acts in contravention of this Provision, he shall be liable, on summary Conviction before a Justice of the Peace, to a Penalty not exceeding Five Pounds, or to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour.

Penalties, &c. to be applied under Orders of Admiralty.

17. Notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police Force or in any other Act, any pecuniary Penalty or other Money recovered under this Act shall be paid or applied as the Admiralty direct.

18. Nothing in this Act shall prevent any Person from being indicted under this Act or otherwise for any indictable Offence made punishable on summary Conviction by this Act, or prevent any Person from being liable under any other Act or otherwise to any other or higher Penalty or Punishment than is provided for any Offence by this Act, so that no Person be punished twice for the same Offence.

Not to prevent Persons being indicted under this Act, &c.

19. Section Forty-five of The Greenwich Hospital Act, 1865, shall be read and have effect as if this Act instead of The Naval and Victualling Stores Act, 1864, were referred to in that Section.

Amendment of 28 & 29 Vict. c. 89. s. 45.

20. So much of The Admiralty Acts Repeal Act, 1865, as repeals the Act of the Session of the Ninth and Tenth Years of the Reign of King William the Third (Chapter Forty-one), "for the better " preventing the Imbezlement of His Majesty's Stores of War, and " preventing Cheats, Frauds, and Abuses in paying Seamen's " Wages," is hereby repealed, as far as the last-mentioned Act relates to any Stores except Naval or Victualling Stores, or other Stores belonging to or under the Charge or Control of the Admiralty, or to Scotland or Ireland, and to that Extent the last-mentioned Act is hereby revived.

Amendment of 28 & 29 Vict. c. 112. 9 & 10 W. 3. c. 41.

SCHEDULE.

Marks appropriated for Her Majesty's Use in or on Naval Stores.

Stores.	Marks.
Hempen Cordage and Wire Rope -	White, Black, or Coloured Worsted Threads laid up with the Yarns and the Wire respectively.
Canvas, Fearnought, Hammocks, and Seamen's Bags.	A Blue Line in a Serpentine Form.
Buntin - - - - -	A double Tape in the Warp.
Candles - - - - -	Blue or Red Cotton Threads in each Wick, or Wicks of Red Cotton.
Timber, Metal, and other Stores not before enumerated.	The Broad Arrow.

Naval Stores. [H.L.]

A

BILL

INTITULED

An Act for the Protection of Naval Stores.

(*Brought from the Lords* 28 *June* 1867.)

Ordered, by The House of Commons, *to be Printed,*
28 *June* 1867.

[Bill 214.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act for the Protection of Naval Stores.

[Note.—*The Word printed in Red Ink is proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. This Act may be cited as The Naval Stores Act, 1867.

Short Title.

2. This Act shall not extend to Scotland or Ireland.

Extent of Act.

3. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

Interpretation.

The Term "Dealer in Marine Stores" means a Person bound to conform to the Regulations of The Merchant Shipping Act, 1854, Section Four hundred and eighty:

17 & 18 Vict. c. 104. s. 480.

The Term "Dealer in old Metals" has the same Meaning as in The Old Metal Dealers Act, 1861:

24 & 25 Vict. c. 110.

The Term "Stores" includes all Goods and Chattels and any single Store or Article.

27 & 28 Vict. c. 91. repealed as to future Offences.

4. The Naval and Victualling Stores Act, 1864, is hereby repealed; but this Repeal or anything in this Act shall not apply to or in respect of any Offence, Act, or Thing committed or done before the passing of this Act, save that this Act shall apply to Stores bearing any such Mark or Part of a Mark as in this Act mentioned, whether applied before or after the passing of this Act.

Marks in Schedule appropriated for Naval Stores.

5. The Marks described in the Schedule to this Act may be applied in or on Stores therein described in order to denote Her Majesty's Property in Stores so marked.

It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen, to apply those Marks or any of them in or on any such Stores.

If any Person, without lawful Authority (Proof of which Authority shall lie on the Party accused), applies any of those Marks in or on any such Stores, he shall be guilty of a Misdemeanour, and shall, on Conviction thereof, be liable to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Obliteration, with Intent to conceal, &c., Felony.

6. If any Person, with Intent to conceal Her Majesty's Property in any Stores, takes out, destroys, or obliterates, wholly or in part, any such Mark as aforesaid, he shall be guilty of Felony, and shall on Conviction thereof be liable, in the Discretion of the Court before which he is convicted, to be kept in Penal Servitude for any Term not exceeding Five Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Knowingly receiving, &c. marked Stores a Misdemeanour.

7. If any Person, without lawful Authority (Proof of which Authority shall lie on the Party accused), receives, possesses, keeps, sells, or delivers any Stores bearing any such Mark as aforesaid, or any Part of any such Mark, knowing them to bear such Mark or Part of a Mark, he shall be guilty of a Misdemeanour, and shall, on Conviction thereof, be liable to be imprisoned for any Term not exceeding One Year, with or without Hard Labour.

Knowledge of Stores being marked presumed against Dealers, &c.

8. Where the Person charged with such a Misdemeanour as last aforesaid was at the Time at which the Offence is charged to have been committed in Her Majesty's Service, or in the Service of the Admiralty, or a Dealer in Marine Stores or in old Metals, or a Pawnbroker, Knowledge on his Part that the Stores to which the Charge relates bore such a Mark or Part of a Mark as aforesaid shall be presumed until the contrary is shown.

9. A Person charged with such a Misdemeanour as last aforesaid in relation to Stores the Value whereof does not exceed Five Pounds shall be liable on summary Conviction before a Justice of the Peace to a Penalty not exceeding Twenty Pounds, or, in the Discretion of the Justice, to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour.

Summary Conviction in certain Cases.

10. If Stores are found in the Possession of a Person being in Her Majesty's Service, or in the Service of the Admiralty, or being a Dealer in Marine Stores or in old Metals, or a Pawnbroker, and he is taken or summoned before a Justice of the Peace, and such Stores do not bear any such Mark or Part of a Mark as aforesaid, but the Justice sees reasonable Grounds for believing them to be or to have been Her Majesty's Property, then if such Person does not satisfy the Justice that he came by the Stores so found lawfully, he shall be liable, on summary Conviction before the Justice, to a Penalty not exceeding Five Pounds.

Penalty on Dealer, &c. found in possession of unmarked Stores, and not accounting.

11. A Conviction under this Act of a Dealer in old Metals shall, for the Purposes of Registration and its Consequences under The Old Metal Dealers Act, 1861, be equivalent to a Conviction under that Act.

Effect of Conviction of Dealer in old Metals.

12. In order to prevent a Failure of Justice in some Cases by reason of the Difficulty of proving Knowledge of the Fact that Stores bore such a Mark as aforesaid,—

Persons not Dealers in Marine Stores, &c., found in possession, and not satisfactorily accounting, Penalty.

If Stores bearing such a Mark or Part of a Mark are found in the Possession of a Person not being in Her Majesty's Service, or in the Service of the Admiralty, and not being a Dealer in Marine Stores or in old Metals, or a Pawnbroker, the following Provisions shall have Effect:—

(1.) If such Person, when taken or summoned before a Justice of the Peace, does not satisfy the Justice that he came by the Stores so found lawfully, he shall be liable, on Conviction by the Justice, to a Penalty not exceeding Five Pounds:

(2.) If he satisfies the Justice that he came by the Stores so found lawfully, the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case require, may summon before him every Person through whose Hands such Stores appear to have passed, and if any such Person as last aforesaid who has had Possession thereof does not satisfy the Justice that he came by the same lawfully, he shall be liable, on summary Conviction before the Justice, to a Penalty not exceeding Five Pounds.

Criminal Possession explained.

13. For the Purposes of this Act, Stores shall be deemed to be in the Possession or Keeping of any Person if he knowingly has them in the actual Possession or Keeping of any other Person, or in any House, Building, Lodging, Apartment, Field, or Place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own Use or Benefit or for the Use or Benefit of another.

Policemen of Metropolitan Force may stop suspected Persons, &c.

14. A Constable of the Metropolitan Police Force may, within the Yard and Limits for which he is sworn, stop, search, and detain any Vessel, Boat, or Carriage in or on which there is Reason to suspect that any of Her Majesty's Stores stolen or unlawfully obtained may be found or any Person reasonably suspected of then and there having in his Possession any such Stores stolen or unlawfully obtained.

Sections 98, 99, 100, 103, 107 to 113, and 115 to 121 of 24 & 25 Vict. c. 96. incorporated with this Act.

15. The following Sections of the Act of the Session of the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign (Chapter Ninety-six), "to consolidate and amend the Statute Law "of England and Ireland relating to Larceny and other similar "Offences," shall be incorporated with this Act, and shall for the Purposes of this Act be read as if they were here re-enacted, namely, Sections Ninety-eight to One hundred, One hundred and three, One hundred and seven to One hundred and thirteen, and One hundred and fifteen to One hundred and twenty-one, all inclusive; and for this Purpose the Expression "this Act," when used in the Sections herein incorporated, shall be taken to include the present Act.

Prohibition of sweeping, &c. within 100 Yards of Dockyards, &c.

16. It shall not be lawful for any Person, without Permission in Writing from the Admiralty, or from some Person authorized by the Admiralty in that Behalf (Proof of which Permission shall lie on the Party accused), to creep, sweep, or dredge in the Sea or any tidal Water within One hundred Yards from any Vessel belonging to Her Majesty or in Her Majesty's Service, or from any Mooring Place or Anchoring Place appropriated to such Vessels, or from any Moorings belonging to Her Majesty, or from any of Her Majesty's Wharves, or Dock, Victualling, or Steam Factory Yards.

If any Person acts in contravention of this Provision, he shall be liable, on summary Conviction before a Justice of the Peace, to a Penalty not exceeding Five Pounds, or to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour.

Penalties, &c. to be applied under Orders of Admiralty.

17. Notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police Force or in any other Act, any pecuniary Penalty or other Money recovered under this Act shall be paid or applied as the Admiralty direct.

Not to prevent Persons being indicted under this Act, &c.

18. Nothing in this Act shall prevent any Person from being indicted under this Act or otherwise for any indictable Offence made punishable on summary Conviction by this Act, or prevent any Person from being liable under any other Act or otherwise to any other or higher Penalty or Punishment than is provided for any Offence by this Act, so that no Person be punished twice for the same Offence.

Amendment of 28 & 29 Vict. c. 89. s. 45.

19. Section Forty-five of The Greenwich Hospital Act, 1865, shall be read and have Effect as if this Act instead of The Naval and Victualling Stores Act, 1864, were referred to in that Section.

Amendment of 28 & 29 Vict. c. 112. 9 & 10 W. 3. c. 41.

20. The Repeal by The Admiralty Acts Repeal Act, 1865, of Sections One, Two, Four, Five, and Eight of the Act of the Session of the Ninth and Tenth Years of the Reign of King William the Third (Chapter Forty-one), "for the better preventing the Imbezlement of His Majesty's Stores of War, and preventing Cheats, "Frauds, and Abuses in paying Seamen's Wages," is hereby repealed, as far as those Sections relate to any Stores except Naval or Victualling Stores, or other Stores belonging to or under the Charge or Control of the Admiralty, or to Scotland or Ireland, and to that Extent those Sections are hereby revived; but nothing herein contained shall interfere with the Operation of any other Act of the present Session.

SCHEDULE.

Marks appropriated for Her Majesty's Use in or on Stores.

Stores.	Marks.
Hempen Cordage and Wire Rope -	White, Black, or Coloured Worsted Threads laid up with the Yarns and the Wire respectively.
Canvas, Fearnought, Hammocks, and Seamen's Bags.	A Blue Line in a Serpentine Form.
Buntin - - - - -	A double Tape in the Warp.
Candles - - - - -	Blue or Red Cotton Threads in each Wick, or Wicks of Red Cotton.
Timber, Metal, and other Stores not before enumerated.	The Broad Arrow.

Naval Stores (No. 2.) [H.L.]

A

B I L L

INTITULED

An Act for the Protection of Naval
Stores.

(*Brought from the Lords* 26 *July* 1866.)

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1867.

[Bill 289.]

Under 1 *oz.*

Office of Judge in the Admiralty, Divorce, and Probate Courts Bill. [H.L.]

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21. Clerks of Records and Writs in Chancery to have Power to administer Oaths.

Clauses.
22. Rules and Tables of Fees to be laid before Parliament.
23. Chief Justice to regulate the Proceedings.
24. Chief Justice to exercise the Ministerial Powers.
25. No Writ of Prohibition to issue.
26. Power to appoint additional Registrars.
27. One or more of the Judges may be Dean of the Arches.
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29. Ministerial Powers of Dean of the Arches.
30. Existing Enactments and Procedure saved.
31. Powers, &c. of Officers saved.
32. Commencement of the Act.

A

B I L L

INTITULED

An Act to provide for the Execution of the Office of Judge in the Admiralty, Divorce, and Probate Courts.

[Note.—*The Words and Clauses printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS by an Act passed in the Session holden in the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-seven, it was provided that " upon the next Vacancy in the Office of Judge of the High " Court of Admiralty of England it shall be lawful for Her " Majesty, if She so think fit, to appoint the Person then being " Judge of the Court of Probate to be also Judge of the said " Court of Admiralty," and that " after the Union of the said " Two Offices they shall be thenceforth held by the same Person :" 20 & 21 Vict. c. 77. s. 10.

And whereas by an Act passed in the same Session, Chapter Eighty-five, it was further provided that the Judge of the said Court of Probate should also be the Judge Ordinary of Her Majesty's Court for Divorce and Matrimonial Causes : 20 & 21 Vict. c. 85. ss. 8. and 9.

And whereas the Business of all the said Courts is much greater than was expected, and is still increasing, and it is not possible for one and the same Person to discharge all the Duties of Judge of the said High Court of Admiralty, Judge Ordinary of the said Court for Divorce and Matrimonial Causes, and Judge of the said

Court of Probate, and it is expedient to make further Provision for the efficient Execution of the Office of Judge in the said Three Courts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation Clause.

1. In the Interpretation and for the Purposes of this Act, (if not inconsistent with the Context or Subject Matter,) the following Terms shall have the respective Meanings herein-after assigned to them, that is to say:

"Admiralty Court" shall mean the High Court of Admiralty of England:

"Divorce Court" shall mean the Court for Divorce and Matrimonial Causes in England:

"Probate Court" shall mean the Court of Probate in England:

24 & 25 Vict. c. 10. s. 2.
20 & 21 Vict. c. 77. s. 2.

"Cause" shall mean any Cause, Suit, Action, or other Proceeding in any of the said Courts, and shall include Common Form Business as defined in "The Court of Probate Act, 1857:"

14 & 15 Vict. c. 83. s. 5.

"Judicial Powers" shall mean all Powers and Authorities which may be lawfully exercised by, and all Duties by Law imposed upon the Judge of any of the said Courts in the Trial, Hearing, or Progress of any Cause:

14 & 15 Vict. c. 83. s. 5.

"Ministerial Powers" shall mean all Powers and Authorities which may be lawfully exercised by, and all Duties by Law imposed upon the Judge of any of the said Courts, not included under the Term "Judicial Powers:"

"Sit" or "Sitting" shall mean sit or sitting for the Exercise of Judicial Powers, whether in Court or in Chambers:

"Interlocutory Decree" shall mean any Order or Decree other than a final Sentence or Decree made by any of the said Courts in any Cause.

The Judges, their Salaries and Pensions.

Chief Justice and Two Puisne Judges to be appointed.

2. On the next Vacancy in the Office of Judge of the Admiralty Court, the Judicial Powers of the Admiralty, Divorce, and Probate Courts shall be exercised by Three Judges of the Degree of the Coif, of whom One shall be called the Chief Justice, and the other Two Puisne Judges of the said Courts.

Qualification of Judges.
20 & 21 Vict. c. 77. s. 5.

3. Her Majesty may, by Letters Patent under the Great Seal of the United Kingdom, appoint any Person, being or having been an Advocate of Ten Years Standing, or a Barrister of Fifteen

Years Standing, to be the Chief Justice or a Puisne Judge of the said Courts; but the present Judge of the Probate Court shall be the First Chief Justice.

4. Every such Judge shall before executing the Duties of his Office take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby authorized and required to administer:

Oath to be taken by Judges.
14 & 15 Vict. c. 83. s. 4.

'I do solemnly promise and swear, That I 'will duly and faithfully, and to the best of my Skill and 'Power, execute the Office of 'Chief Justice,' *or* 'Puisne Judge,' '*as the Case may be*, of the Admiralty, Divorce, and Probate 'Courts. So help me GOD.'

5. The Chief Justice of the said Courts shall have Rank and Precedence after the Vice-Chancellors, and the Two Puisne Judges with the Puisne Judges of Her Majesty's Superior Courts of Common Law at Westminster according to the Order and Time of their respective Appointments.

Rank and Precedence of Judges.
14 & 15 Vict. c. 83. s. 3.
20 & 21 Vict. c. 77. s. 8.

6. The Two Puisne Judges of the said Courts shall be Two of Her Majesty's Judges of Assize, and shall be placed in Commissions for the Despatch of Civil and Criminal Business upon the Circuits in England and Wales, in the same Manner as the Judges of the Superior Courts of Common Law.

Puisne Judges to go Circuits.

7. The Chief Justice of the said Courts shall have a Secretary, Usher, and Train Bearer, to be from Time to Time appointed and removed by him at his Pleasure.

Chief Justice to have Secretary, Usher, and Train Bearer.
14 & 15 Vict. c. 83. s. 2.

8. Every Person holding or having held the Office of Chief Justice or Puisne Judge of the said Courts shall, if a Member of Her Majesty's Privy Council, be a Member of the Judicial Committee of the Privy Council.

Judges, if Privy Councillors, to be Members of the Judicial Committee.
3 & 4 W. 4. c. 41. s. 1.
14 & 15 Vict. c. 83. s. 15.
20 & 21 Vict. c. 77. s. 115.

9. The Judges of the said Courts shall hold their Offices during good Behaviour, but it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Judges' Tenure of Office.
14 & 15 Vict. c. 83. s. 1.
20 & 21 Vict. c. 77. s. 6.

CLAUSE A.

There shall be paid to the Chief Justice of the said Courts the net yearly Salary of Six thousand Pounds, and to each of the Puisne Judges of the said Courts the net yearly Salary of Five thousand Pounds, and to the Chief Justice's Secretary the net yearly

Salaries of Judges, Secretary, Usher, and Train Bearer.
14 & 15 Vict. c. 83. s. 19.
20 & 21 Vict. c. 85. s. 65.

and 14 & 15 Vict. c. 83. s. 19.

yearly Salary of Four hundred Pounds, to the Usher the net yearly Salary of Two hundred and fifty Pounds, and to the Train Bearer the net yearly Salary of One hundred Pounds.

Puisne Judges' Clerks.
15 & 16 Vict. c. 73. ss. 8. and 12.

10. Each of the Puisne Judges shall have a Clerk, to be appointed and removed by him at his Pleasure, and the Amount of whose Salary shall be fixed by the Lords Commissioners of Her Majesty's Treasury with the Sanction of the Chief Justice.

Clause B.
Retiring Pensions of Judges.
14 & 15 Vict. c. 83. s. 20.
20 & 21 Vict. c. 77. s. 12.

Her Majesty may, by Letters Patent under the Great Seal of the United Kingdom, grant unto any Person who shall have executed the Office of Chief Justice of the said Courts an Annuity not exceeding Three thousand seven hundred and fifty Pounds, and to any Person who shall have executed the Office of Puisne Judge of the said Courts an Annuity not exceeding Three thousand five hundred Pounds, such Annuity to commence immediately after the Day when the Person to whom such Annuity shall be granted shall resign his Office, and to continue during his natural Life: Provided that Her Majesty may in and by such Letters Patent limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Sum of Three thousand seven hundred and fifty Pounds, or Three thousand five hundred Pounds, as the Case may be: Provided also, that no such Annuity shall be granted to any Person unless he shall have held the Office of Judge of the said Courts for the Period of Fifteen Years, or have held such Office and any of the Offices of Judge in any of the Superior Courts of Law or Equity, or of the High Court of Admiralty of England, or of the Court of Probate and Divorce, for Periods amounting together to Fifteen Years, or unless he shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the Grant.

Clause C.
Pension of Judge of Admiralty Court.
3 & 4 Vict. c. 66. s. 7.

And whereas by an Act passed in the Session holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter Sixty-six, it was provided that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to give and grant an Annuity, not exceeding the yearly Sum of Two thousand Pounds, to any Person who shall have executed the Office of Judge of the Admiralty Court during at least Fifteen Years, and shall have resigned his said Office: And whereas the present Judge of the Admiralty Court has executed the Office of Judge of the said Court for the Space of Twenty-eight Years and upwards: Be it therefore enacted, That it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to grant unto the said Judge of the Admiralty Court when he shall resign his Office, an Annuity not exceeding   in lieu of the said Annuity of Two thousand Pounds, such Annuity to commence immediately after the Day when he shall resign his said Office, and to continue during his natural Life.

CLAUSE D.
Salaries to be charged on the Consolidated Fund.
20 & 21 Vict. c. 77. s. 101.

The Salaries of the Judges and any retiring Annuity granted to any Judge under this Act shall be charged on and made payable out of the Consolidated Fund of the United Kingdom.

Constitution and Powers of the Courts.

Judges may sit together or separately.
14 & 15 Vict. c. 83. s. 11.
17 & 18 Vict. c. 125. s. 2.

11. The said Judges may sit singly, or Two together or Three together, in the Admiralty, Divorce, or Probate Court.

Sittings of the Judges.
14 & 15 Vict. c. 83. s. 11.
17 & 18 Vict. c. 125. s. 2.

12. Two or more of the Judges, sitting either singly, or Two together and One singly, may sit on the same Day and at the same Time as Judges of the same Court, whether the Admiralty, the Divorce, or the Probate Court.

Full Court.
23 & 24 Vict. c. 144. s. 1. &
14 & 15 Vict. c. 83. s. 9.

13. The said Three Judges when sitting together shall constitute the Full Court, and the Decision of the Majority of the Judges shall be the Decision of the Court.

Judicial Powers of the Judges.
14 & 15 Vict. c. 83. s. 11.

14. The said Judges shall have and exercise, severally when sitting singly, and jointly when sitting together, in the Admiralty Court all the Jurisdiction and all the Judicial Powers which may now be lawfully exercised by the Judge of the Admiralty Court; in the Divorce Court all the Jurisdiction and all the Judicial Powers which may now be lawfully exercised by the Judge Ordinary of the Divorce Court; and in the Probate Court all the Jurisdiction and all the Judicial Powers which may now be lawfully exercised by the Judge of the Probate Court; and the Judicial Powers so vested in the said Judges, whether severally or jointly, shall extend to all Causes pending at the Commencement of this Act in the said Courts.

Judicial Powers of Full Court in Divorce Causes.
20 & 21 Vict. c. 85. s. 8. &
22 & 23 Vict. c. 61. s. 1.

15. From and after the Appointment of the said Three Judges under this Act the Lord Chancellor and all the Judges of the Superior Courts of Common Law at Westminster shall cease to be Judges of the Divorce Court, but the said Three Judges sitting together as the Full Court shall have and exercise all the Jurisdiction and all the Judicial Powers which may now be lawfully exercised by the Full Court of Divorce as at present constituted; and the Judicial Powers so vested in the Full Court under this Act shall extend to all Appeals pending at the Commencement of this Act in the present Full Court of Divorce.

Appeal to Full Court in certain Matters.
24 & 25 Vict. c. 10. s. 32.
23 & 24 Vict. c. 144. s. 2.

16. There shall be an Appeal from any One of the Judges sitting singly, or from any Two of the Judges sitting together, to the Three Judges sitting as the Full Court in the following Matters:

In the Admiralty Court from any Interlocutory Decree, with the Permission of the Judge;

In the Divorce Court in all Matters in which an Appeal now lies to the Full Court of Divorce;

In the Divorce and Probate Courts from all Orders made in Chambers.

Motions for new Trials. 21 & 22 Vict. c. 108. s. 18.

17. All Motions for new Trials in Jury Cases in the Divorce or Probate Court shall be made to the Full Court, whose Decision shall be final.

Appeals from the Full Court.

18. Except on any such Motion for a new Trial, there shall be an Appeal from any final Decree or Sentence of the Full Court, and, with the Permission of the Court, from any Interlocutory Decree of the Full Court, to Her Majesty in Council in an Admiralty Cause, and to the House of Lords in a Divorce or Probate Cause.

Saving existing Rights of Appeal.

19. Nothing in this Act contained shall be construed to take away any existing Right of Appeal from any of the said Courts.

Power to make Rules.
20 & 21 Vict. c. 77. s. 30.
20 & 21 Vict. c. 85. s. 53.
3 & 4 Vict. c. 65. s. 18.

20. The Chief Justice, with One at least of the Puisne Judges, may make Rules for regulating the Practice and Procedure of the Courts, or any of them, and may from Time to Time revoke or alter the Rules.

CLAUSE E.
Power to fix Tables of Fees.
3 & 4 Vict. c. 65. s. 18.
20 & 21 Vict. c. 77. s. 95.
20 & 21 Vict. c. 85. s. 54.

The Chief Justice, with One at least of the Puisne Judges, may, with the Sanction of the Lords Commissioners of Her Majesty's Treasury, fix the Table of Fees to be taken in the said Courts, or any of them, and may from Time to Time, with the like Sanction, abolish or alter the Fees.

Clerks of Records and Writs in Chancery to have Power to administer Oaths.

21. The Clerks of Records and Writs of the High Court of Chancery, or any of them, shall have full Power and Authority to administer Oaths and to take Affidavits, Affirmations, and Declarations in or in relation to any Cause in any of the said Courts.

22. All Rules to be made under this Act concerning Practice and Procedure, and all Tables of Fees to be fixed under this Act, and all Alterations thereof to be from Time to Time made, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

Rules and Tables of Fees to be laid before Parliament.
20 & 21 Vict. c. 85. s. 67.

23. The Chief Justice shall make such Arrangements as to him shall seem proper for the Exercise of the Judicial Powers of the said Courts, and for the Hearing of Causes, whether before a single Judge, or before Two Judges, or before the Full Court, and generally as to the Division and Despatch of the Business of the said Courts.

Chief Justice to regulate the Proceedings.
14 & 15 Vict. c. 83. s. 12.
23 & 24 Vict. c. 144. ss. 2. & 4.

24. The Chief Justice shall exercise all the Ministerial Powers which may now be lawfully exercised by the Judge of the Admiralty Court, the Judge Ordinary of the Divorce Court, and the Judge of the Probate Court.

Chief Justice to exercise the Ministerial Powers.
14 & 15 Vict. c. 83. s. 13.

25. No Writ of Prohibition shall lie from any other Court to the Judges to be appointed under this Act, whether sitting singly, or Two together or Three together, and whether in the Admiralty Court, the Divorce Court, or the Probate Court.

No Writ of Prohibition to issue.

26. The Lords Commissioners of Her Majesty's Treasury may, on the Recommendation of the Chief Justice, authorize the Appointment of a Second Assistant Registrar for the Admiralty Court, and of an additional Registrar for the Divorce and Probate Courts, and all the Provisions now in force relating to the Salaries and Appointments of the Assistant Registrar of the Admiralty Court, and of the Registrars of the Probate and Divorce Courts, shall apply to the Salaries and Appointments of such Second Assistant Registrar of the Admiralty Court, and of the additional Registrar of the Divorce and Probate Courts respectively.

Power to appoint additional Registrars.
14 & 15 Vict. c. 83. s. 21.
3 & 4 Vict. c. 66. s. 11. &c.
21 & 22 Vict. c. 95. s. 6.

27. His Grace the Lord Archbishop of Canterbury may appoint any One or more of the said Judges to execute the Office of Dean of the Arches, and the Judge or Judges so appointed shall be bound to discharge the Duties of such Office without any additional Remuneration other than the Fees, if any, belonging thereto.

One or more of the Judges may be Dean of the Arches.

28. Any Judge or Judges so appointed may sit singly, or Two together or Three together, in the Court of Arches, and shall have and exercise severally when sitting singly, and jointly when sitting

Sittings of Judges in Court of Arches.

together, all the Jurisdiction and Judicial Powers which may now be lawfully exercised by the Dean of the Arches.

Ministerial Powers of Dean of the Arches.

29. Any One of the said Judges may be appointed by the Lord Archbishop of Canterbury to exercise all the Ministerial Powers which may now be lawfully exercised by the Dean of the Arches.

Existing Enactments and Procedure saved.

30. So far as they are not inconsistent with the Provisions of this Act, all Enactments now in force relating to the Admiralty, Divorce, or Probate Courts, and all the existing Practice and Procedure of the said Courts, shall continue in force.

Powers, &c. of Officers saved.

31. Except where it is otherwise expressly provided, nothing in this Act contained shall be taken as repealing, altering, or affecting the Powers, Rights, or Duties of the Registrars or other Officers of the said several Courts, or any of them.

Commencement of the Act.

32. This Act shall come into operation on the Day of One thousand eight hundred and sixty- .

Office of Judge in the Admiralty, Divorce, and Probate Courts. [H.L.]

A

BILL

INTITULED

An Act to provide for the Execution of the Office of Judge in the Admiralty, Divorce, and Probate Courts.

(Brought from the Lords 28 May 1867.)

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1867.

[Bill 203.]

Under 2 oz.

Offices and Oaths Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Clauses.

1. All the Queen's Subjects, without reference to their Religious Belief, shall be eligible to hold the Offices of Lord Chancellor or Lord Lieutenant of Ireland.
2. When such Offices shall be held by a Person not a Member of the Established Church all Rights of Presentation to Benefices belonging to the Offices shall be exercised by such Person as the Queen shall appoint, and, in default of Appointment, by the Archbishop of Armagh.
3. Every Judicial and Corporate Officer may attend his Place of Worship in his Robes of Office without incurring any Penalty or Forfeiture of Office.
4. The Oath now taken by Members of Parliament shall be substituted in all Cases for the Oaths now required to be taken by Office Holders and others, in lieu of the Oaths of Allegiance, Supremacy, and Abjuration.
5. The Name of the Sovereign for the Time being shall be used in the Oath.
6. Provision in favour of Quakers and others.
7. Short Title of the Act.

A

BILL

TO

Remove certain Religious Disabilities affecting some of Her Majesty's Subjects, and to amend the Law relating to Oaths of Office.

Preamble.

WHEREAS certain of Her Majesty's Subjects are now, on the ground of their Religious Belief, subject to Civil Disabilities, and are required to take Oaths for the Enjoyment of Offices and Franchises which other Subjects of Her Majesty are not required to take:

And whereas, to promote Religious Equality among the Subjects of Her Majesty, it is expedient to remove such Disabilities, and to substitute One uniform Oath for the several Oaths now required to be taken by different Classes of Her Majesty's Subjects as a Qualification for the Exercise and Enjoyment of Offices, Franchises, and Civil Rights:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All the Queen's Subjects,

1. Every Subject of Her Majesty shall *after the passing of this Act* be eligible to hold and enjoy the Office of Lord Chancellor of Ireland or without reference to their Religious Belief, shall be eligible to hold the Office of Lord Chancellor of Ireland, or the Office of Lord Lieutenant of Ireland.

or Lord Keeper or Lord Commissioner of the Great Seal in Ireland, and the Office of Lord Lieutenant, Lord Deputy, Lord Justice, or other Chief Governor or Governors of Ireland, without reference to his Religious Belief, on taking and subscribing the Oath herein-after substituted for the Oath now required to be taken instead of the Oaths of Allegiance, Abjuration, and Supremacy, and also any other Oath or Declaration of Office not involving any Religious Test which now is or from Time to Time may be required to be taken by the Holder of said Offices respectively.

When such Offices shall be held by a Person not a Member of the Established Church, how Rights of Presentation to Benefices shall be exercised.

2. In case either of said Offices shall be held by any Person not being a Member of the United Church of England and Ireland, any Right of Presentation to any Ecclesiastical Benefice belonging to such Office shall, while the Office shall be so held as aforesaid, devolve upon and be exercised by such Person as Her Majesty by Sign Manual may appoint to exercise the same, and in default of such Appointment the Right of such Presentation shall devolve upon and be exercised by the Archbishop of Armagh.

Every Judicial or Corporate Officer may attend his Place of Worship in his Robes without incurring any Penalty.

3. Every Person holding any Judicial or Civil or Corporate Office may attend and be present at any Place of public Meeting for Religious Worship in England, Ireland, or Scotland in the Robe, Gown, or other peculiar Habit of his Office, or with the Ensign or Insignia of or belonging to the same, without incurring any Forfeiture of Office or Penalty for such Attendance.

The Oath now taken by Members of Parliament shall be substituted in all cases for the Oaths now quired to be taken by Officeholders and others in lieu of the Oaths of Allegiance, Supremacy, and Abjuration.

4. In all Cases in which any Oath which has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration is now required to be taken, or taken and subscribed, as a Qualification for the Exercise or Enjoyment of any Office, Franchise, or Civil Right, the following Oath shall be taken, or taken and subscribed, as the Case may be, in lieu and instead of such substituted Oath:

'I A. B. do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria; and I do faithfully promise to maintain and support the Succession to the Crown, as the same stands limited and settled by virtue of the Act passed in the Reign of King William the Third, intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," and of the subsequent Acts of Union with Scotland and Ireland. So help me GOD.'

The Name of the Sovereign for the

5. Where in the Oath hereby appointed the Name of Her present Majesty is expressed, the Name of the Sovereign of this Kingdom for the Time being by virtue of the Act "for the further Limitation "of the Crown, and better securing the Rights and Liberties of the "Subject," shall be substituted from Time to Time with proper Words of Reference thereto.

Time being shall be used in the Oath.

6. Every Person of the Persuasion of the People called Quakers, and every other Person for the Time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, may, instead of taking and subscribing the Oath hereby appointed, make and subscribe a solemn Affirmation in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly "declare and affirm," for the Word "swear," and omitting the Words "So help me God;" and the making and subscribing such Affirmation with such Substitution as aforesaid by a Person hereby authorized to make and subscribe the same shall have the same Effect as the making and subscribing by other Persons of the Oath hereby appointed.

Provision in favour of Quakers, &c.

7. This Act may be cited for all Purposes as "The Office and Oath Act, 1867."

Title of the Act.

Offices and Oaths.

A

B I L L

To remove certain Religious Disabilities affecting some of Her Majesty's Subjects, and to amend the Law relating to Oaths of Office.

(Prepared and brought in by
Sir Colman O'Loghlen, Mr. Cogan, and
Sir John Gray.)

Ordered, by The House of Commons, *to be Printed,*
7 *February* 1867.

[Bill 7.]

Under 1 *oz.*

LORDS AMENDMENT

TO THE

OFFICES AND OATHS BILL.

Note.—*The Page and Line refer to the Bill* (100.) *as printed by the Lords.*

Preamble. *Page* 1.

Lines 6 and 7. Leave out ("to promote Religious Equality "among the Subjects of Her Majesty")

LORDS AMENDMENT

TO THE

OFFICES AND OATHS BILL.

Ordered, by The House of Commons, *to be Printed,*
22 *July* 1867.

[Bill 272.]

Under 1 *oz.*

A

BILL

TO

Extend the Benefits of Education in the Universities of Oxford and Cambridge to Students not belonging to any College or Hall.

WHEREAS it is expedient for the Advancement of Learning and Education to make Provision for the Extension of the Benefits of the said Universities: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Any Person may become a Member of the University without being a Member of any College, and may join any College and be entitled to all Privileges, &c.

1. Notwithstanding anything contained in any Act of Parliament now in force relating to either of the Universities of Oxford and Cambridge, or in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation, of either of the said Universities, or of any College or Hall within the same, any Person may be matriculated without being entered as a Member of any College or Hall, and may, if he shall think fit, join himself to any College or Hall, with the Consent of the Head thereof, but without being obliged to reside within the same; and every Person so matriculated shall in all respects and for all Intents and Pur-

poses

(*See* 17 & 18 Vict. c. 81. s. 28. and 19 & 20 Vict. c. 88. s. 27.)

poses be and be considered as a Member of the University, and upon joining any College or Hall shall in all respects and for all Intents and Purposes be and be considered as a Member thereof.

Christ Church, Oxford, deemed a College. (*See* 17 & 18 Vict. c. 81. s. 41.)

2. For the Purposes of this Act the Cathedral or House of Christ Church in Oxford shall be considered to be to all Intents and Purposes a College of the University of Oxford.

Interpretation of Terms.

3. In the Construction of this Act the Word "Statutes" shall have the same Meaning as is given to that Word in the Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Eighty-eight.

Oxford and Cambridge Universities Education.

A

B I L L

To extend the Benefits of Education in the Universities of Oxford and Cambridge to Students not belonging to any College or Hall.

(*Prepared and brought in by*
Mr. Ewart, Mr. Neate, and Mr. Pollard-Urquhart.)

Ordered, by The House of Commons, *to be Printed,*
13 *March* 1867.

[Bill 71.]

Under 1 *oz.*

A

BILL

FOR

The Preservation and further Protection of Oyster and Mussel Fisheries.

Preamble.

WHEREAS it is expedient to make Provision for the Protection of private Oyster and Mussel Beds, Layings, or Fisheries :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Oyster and Mussel Preservation Act, 1867.

Meaning of the Words "Oysters," "Mussels," and "Person."

2. In this Act the Word "Oysters" and "Mussels" respectively includes the Brood, Ware, Half-ware, Spat, and Spawn of Oysters and Mussels, and the Word "Person" includes Body Corporate.

Oysters or Mussels in the Oyster Grounds or Fishery to be Owner's Property.

3. All Oysters or Mussels being in or on any Oyster or Mussel Bed, Laying, or Fishery which is the Property of any Person, and is sufficiently marked out or known as such, and which has been exclusively used or worked by or under the Direction of such Person for the *Five Years* immediately preceding the passing of this

Act, shall be the absolute Property of such Person, and in all Courts of Law and Equity and elsewhere, and for all Purposes, Civil, Criminal, or other, shall be deemed to be in the actual Possession of such Person.

Oysters or Mussels removed from the Fishery to be Owner's Property.

4. All Oysters or Mussels removed by any Person from any such Oyster or Mussel Bed, Laying, or Fishery, and not either sold in Market overt, or disposed of by or under the Authority of the Person to whom such Bed, Laying, or Fishery belongs as aforesaid, shall be the absolute Property of such last-mentioned Person, and in all Courts of Law and Equity and elsewhere, and for all Purposes Civil, Criminal, or other, the absolute Right to the Possession thereof shall be deemed to be in such last-mentioned Person.

Fisheries.

A

B I L L

For the Preservation and further Protection of Oyster and Mussel Fisheries.

(Prepared and brought in by
Mr. Stephen Cave and Sir Stafford Northcote.)

Ordered, by The House of Commons, *to be Printed,*
1 *March* 1867.

[Bill 61.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The better and more effectually securing the Use of certain Parks and Gardens for the Enjoyment and Recreation of Her Majesty's Subjects.

Preamble.

WHEREAS the Parks and Gardens named in the Schedule hereto have been used for the Enjoyment and Recreation of Her Majesty's Subjects, and it is expedient to make further Provision for securing such User and Enjoyment:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Prohibition of public Meetings in the Parks.

1. No Meeting shall be held in any of the said Parks or Gardens for the Purpose of making any Political or Religious Demonstration, or for holding any Political, Religious, or other public Discussion.

Any Meeting held in contravention of this Section shall be deemed to be an unlawful Assembly, and any Person knowingly joining or taking part in such Meeting shall be guilty of a Misdemeanor, and may, either on summary Conviction be adjudged to pay a Penalty not exceeding Ten Pounds, or, in the Discretion of the Justices or Police Magistrate by whom the Case is heard, may be committed for Trial for the Misdemeanor aforesaid.

2. All

Provisions as to Regutions made by Her Majesty.

2. All Regulations made by Her Majesty in relation to the Use by the Public of the said Parks and Gardens, and to the Maintenance of good Order therein, shall be under the Hand of the Ranger or Keeper, where a Ranger or Keeper of any such Park or Garden has been appointed by Her Majesty, and in other Cases under the Hand of the First Commissioner of Her Majesty's Works and Public Buildings, or of the Chairman of the Metropolitan Board of Works, according as the Parks or Gardens to which such Regulations relate are under the Management of the Commissioners of Her Majesty's Works and Public Buildings, or of the Metropolitan Board of Works; and a Copy of such Regulations shall be published in the London Gazette, and shall be put up in each of the Parks or Gardens to which the same apply, in such conspicuous Place and Manner as may from Time to Time be directed by the said Ranger or Keeper, or the said First Commissioner, or Chairman of the Metropolitan Board of Works.

Penalty on Contravention of Her Majesty's Regulations.

3. Any Person acting in contravention of any Regulation made by Her Majesty in relation to the Use by the Public of the said Royal Parks or Gardens, and to the Maintenance of good Order therein, shall on summary Conviction be liable to a Penalty not exceeding Forty Shillings.

Evidence of Regulations.

4. Any such Regulation as aforesaid may be proved by the Production of a Copy of the Gazette containing such Regulation, or by the Production of a Copy of such Regulation purporting to be printed by the Printers of Her Majesty.

Saving Prerogative of the Crown.

5. Nothing in this Act contained shall be deemed to prejudice or affect any Prerogative or Right of Her Majesty, Her Heirs or Successors, in respect of the said Parks or Gardens.

Short Title of Act.

6. This Act may be cited for all Purposes as "The Parks Regulation Act, 1867."

SCHEDULE referred to in Act.

Saint James,
Hyde, and } Parks.
Green
Kensington Gardens.
Chelsea Gardens.
Regent's Park.
Victoria Park.
Battersea Park.
Greenwich Park.
Kennington Park.
Kew Gardens, Pleasure Grounds, and Green.
Hampton Court Park.
Richmond Park and Green.
Bushy Park.
Finsbury Park.
Southwark Park.

Parks Regulation.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the better and more effectually securing the Use of certain Parks and Gardens for the Enjoyment and Recreation of Her Majesty's Subjects.

(*Prepared and brought in by*
Mr. Secretary Walpole, Lord John Manners,
and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed*,
23 *July* 1867.

[Bill 273.]

Under 1 *oz.*

Parliamentary Elections Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.
Preamble.
1. Short Title of Act.
2. Commencement of Act.
3. Interpretation of Terms.
4. Provision as to Speaker.

Presentation and Service of Petition.

5. To whom and by whom Election Petition may be presented.
6. Recognizance may be objected to.—Clause A.
7. Determination of Objection to a Recognizance.—Clause B.
8. List of Petitions at issue to be made.—Clause C.
9. Regulations as to Presentation of Election Petition.

Trial of a Petition.

10. Rules as to Trial of Election Petitions.
11. House of Commons to carry out Report.
12. House of Commons may make Order on Special Report.
13. Report of the Judge as to corrupt Practices.
14. Report of Judge equivalent to Report of Election Committee.
15. Evidence of corrupt Practices, how received.
16. Acceptance of Office not to stop Petition.
17. Effect of Prorogation of Parliament.

Proceedings.

18. Form of Petition.
19. Service of Petition.
20. Joint Respondents to Petition.
21. Provision in Cases where more than One Petition is presented.
22. Shorthand Writer to attend Trial of Election Petition.

Clauses.

Jurisdiction of Court and Rules of Court.

23. Jurisdiction of Court.
24. Rules to be made by Three Chief Judges of Common Law Courts.
25. Practice of House of Commons to be observed.

Reception and Jurisdiction of Judge.

26. Reception of Judge.
27. Power of Judge.
28. Clerk and Crier.

Witnesses.

29. Summons of Witnesses.
30. Judge may summon and examine Witnesses.
31. Indemnity to Witnesses.
32. Expenses of Witnesses.

Withdrawal and Abatement of Election Petitions.

33. Withdrawal of Petition and Substitution of new Petitioners.
34. Judge to report to the Speaker Circumstances of Withdrawal.—Clause D.
35. Abatement of Petition.
36. Admission of Voters to be Respondents.
37. Respondent not opposing not to appear as Party or to sit.
38. Provisions for Cases of double Return where the Member complained of declines to defend his Return.

Costs.

39. General Costs of Petition.
40. Recognizance, when to be estreated, &c.

Punishment of corrupt Practices.

41. Punishment of Candidate guilty of Bribery.
42. Penalty for employing corrupt Agent.
43. Disqualification of Persons found guilty of Bribery.

Miscellaneous.

Miscellaneous.

Clauses.
44. Returning Officer may be sued for neglecting to return any Person duly elected.
45. Calculation of Time.
46. No Stamp on Recognizances or Affidavits.
47. Controverted Elections to be tried under Act.
48. Returning Officer if complained of to be Respondent.
49. Petition complaining of no Return.
50. Recrimination when Petition for undue Return.
51. Repeal of Acts.

SCHEDULE.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections.

WHEREAS it is expedient to amend the Laws relating to Election Petitions, and to provide more effectually for the Prevention of corrupt Practices at Parliamentary Elections: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as "The Parliamentary Elections Act, 1867." Short Title of Act.

2. This Act shall not come into operation until the next Dissolution of Parliament. Commencement of Act.

3. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,) Interpretation of Terms.

"Metropolitan District:"

"Metropolitan District" shall mean the City of London and the Liberties thereof, and any Parish or Place subject to the Jurisdiction of the Metropolitan Board of Works:

"Election:"

"Election" shall mean an Election of a Member or Members to serve in Parliament:

"County:"

"County" shall not include a County of a City or County of a Town, but shall mean any County, Riding, Parts, or Division of a County returning a Member or Members to serve in Parliament:

"Borough:"

"Borough" shall mean any Borough, University, City, Place, or Combination of Places, not being a County as herein-before defined, returning a Member or Members to serve in Parliament:

"Candidate:"

"Candidate" shall mean any Person elected to serve in Parliament at an Election, and any Person who has been nominated as or declared himself a Candidate at an Election:

"Corrupt Practices:"

"Corrupt Practices" shall mean Bribery, Treating, and undue Influence, or any of such Offences, as defined by Act of Parliament, or recognized by the Common Law of Parliament:

"Rules of Court:"

"Rules of Court" shall mean Rules to be made as herein-after mentioned:

"Prescribed:"

"Prescribed" shall mean "prescribed by the Rules of Court:"

"Court."

"Court" shall include a Judge presiding at the Trial of an Election Petition under this Act.

Provision as to Speaker.

4. For the Purposes of this Act "Speaker" shall be deemed to include Deputy Speaker; and when the Office of Speaker is vacant, the Clerk of the House of Commons, or any other Officer for the Time being performing the Duties of the Clerk of the House of Commons, shall be deemed to be substituted for and to be included in the Expression "the Speaker."

Presentation and Service of Petition.

To whom and by whom Election Petition may be presented.

5. A Petition complaining of an undue Return or undue Election of a Member to serve in Parliament for a County or Borough may be presented to the Court of Queen's Bench by any One or more of the following Persons:

1. Some Person who voted or who had a Right to vote at the Election to which the Petition relates; or,
2. Some Person claiming to have had a Right to be returned or elected at such Election; or,
3. Some Person alleging himself to have been a Candidate at such Election:

And such Petition is herein-after referred to as an Election Petition.

6. Notice

CLAUSE A.
Recognizance may be objected to.

6. Notice of the Presentation of a Petition, and of the Nature of the proposed Security, accompanied with a Copy of the Petition, shall within the prescribed Time, not exceeding Five Days after the Presentation of the Petition, be served by the Petitioner on the Respondent; and it shall be lawful for the Respondent, within a further prescribed Time, not exceeding Five Days from the Date of the Service on him of the Notice, to object in Writing to the Security—

1st. On the Ground that the Security is invalid; or,

2d. Where a Recognizance forms a whole or Part of the Security, on the Ground that the Sureties, or any of them, are insufficient, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not duly acknowledged the same.

CLAUSE B.
Determination of Objection to Recognizance.

7. Any Objection made to the proposed Security shall be heard and decided on in the prescribed Manner. If an Objection to the Security is allowed it shall be lawful for the Petitioner, within a further prescribed Time, not exceeding Five Days, to remove such Objection, by a Deposit in the prescribed Manner of such Sum of Money as may be deemed by the Court or Officer having Cognizance of the Matter to make the Security sufficient.

If on Objection made the Security is decided to be insufficient, and such Objection is not removed in manner herein-before mentioned, no further Proceedings shall be had on the Petition; otherwise, on the Expiration of the Time limited for making Objections, or, after Objection made, on the Sufficiency of the Security being established, the Petition shall be deemed to be at issue.

CLAUSE C.
List of Petitions at issue to be made.

8. The prescribed Officer shall, as soon as may be, make out a List of all Petitions which are at issue, placing them in the Order in which they were presented, and shall keep at his Office a Copy of such List, herein-after referred to as the Election List, open to the Inspection of all Parties concerned.

Such Petitions, as far as conveniently may be, shall be tried in the Order in which they stand in such List.

Regulations as to Presentation of Election Petition.

9. The following Enactments shall be made with respect to the Presentation of an Election Petition:

1. The Petition shall be signed by the Petitioner, or all the Petitioners, if more than One:
2. The Petition shall be presented within Twenty-one Days after the Return has been made to the Clerk of the Crown in

Chancery of the Member to whose Election the Petition relates, unless it question the Return or Election upon an Allegation of corrupt Practices, and specifically alleges a Payment of Money or other Reward to have been made by any Member, or on his Account, or with his Privity, since the Time of such Return, in pursuance or in furtherance of such corrupt Practices, in which Case the Petition may be presented at any Time within Twenty-eight Days after the Date of such Payment:

3. Presentation of a Petition shall be made by delivering it to the prescribed Officer or otherwise dealing with the same in manner prescribed:
4. At the Time of the Presentation of the Petition, or within Three Days afterwards, Security for the Payment of all Costs, Charges, and Expenses that may become payable by the Petitioner—
   (*a.*) to any Person summoned as a Witness on his Behalf, or,
   (*b.*) to the Member whose Election or Return is complained of (who is herein-after referred to as the Respondent),

   shall be given on behalf of the Petitioner:
5. The Security shall be to an Amount of not less than One thousand Pounds; it may be given by Recognizance to be entered into by any Number of Sureties not exceeding Four, or by a Deposit of Money in manner prescribed, or partly in one way and partly in the other.

Trial of a Petition.

Rules as to Trial of Election Petitions.

10. The following Enactments shall be made with respect to the Trial of Election Petitions:

1. Each Election Petition shall be tried by a Judge of One of Her Majesty's Superior Courts of Common Law at Westminster sitting in open Court without a Jury.
2. Notice of the Time and Place at which an Election Petition will be tried shall be given, not less than Fourteen Days before the Day on which the Trial is held, in the prescribed Manner.
3. The Trial of an Election Petition in the Case of a Petition relating to a Borough Election shall take place in the Borough, and in the Case of a Petition relating to a County Election in the County: Provided always, that if it shall appear to the Court of Queen's Bench that special Circumstances exist which render it desirable that the Petition should

should be tried elsewhere than in the Borough or County, it shall be lawful for the Court to appoint such other Place for the Trial as shall appear most convenient: Provided also, that in the Case of a Petition relating to any of the Boroughs within the Metropolitan District, the Petition may be heard at such Place within the District as the Court of Queen's Bench may appoint.

4. The Judge presiding at the Trial may adjourn the same from any one Place to any other Place within the County or Borough, as to him may seem expedient.

5. At the Conclusion of the Trial the Judge who tried the Petition shall determine whether the Member whose Return or Election is complained of, or any and what other Person, was duly returned or elected, or whether the Election was void, and shall forthwith certify in Writing such Determination to the Speaker, and upon such Certificate being given such Determination shall be final to all Intents and Purposes.

6. Where any Charge is made in an Election Petition of any corrupt Practice having been committed at the Election to which the Petition refers, the Judge shall, in addition to such Certificate, and at the same Time, report in Writing to the Speaker as follows:

(*a.*) Whether any corrupt Practice has or has not been proved to have been committed by or with the Knowledge and Consent of any Candidate at such Election, and the Nature of such corrupt Practice:

(*b.*) The Names of all Persons (if any) who have been proved at the Trial to have been guilty of any corrupt Practice.

(*c.*) Whether corrupt Practices have, or whether there is Reason to believe that corrupt Practices have, extensively prevailed at the Election to which the Petition relates.

7. The Judge may at the same Time make a special Report to the Speaker as to any Matters arising in the Course of the Trial an Account of which in his Judgment ought to be submitted to the House of Commons.

House of Commons to carry out Report.

11. The House of Commons, on being informed by the Speaker of such Certificate and Report or Reports, if any, shall order the same to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for issuing a Writ for a new Election, or for carrying the Determination into execution, as Circumstances may require.

House of Commons may make Order on special Report.

12. Where the Judge makes a special Report the House of Commons may make such Order in respect of such special Report as they think proper.

Report of the Judge as to corrupt Practices.

13. If the Judge states in his Report on the Trial of an Election Petition that corrupt Practices have, or that there is Reason to believe that corrupt Practices have, extensively prevailed in any County or Borough at the Election to which the Petition relates, such Statement shall for all the Purposes of the Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-seven, intituled "An Act to provide for "more effectual Inquiry into the Existence of corrupt Practices "at Elections of Members to serve in Parliament," have the same Effect and may be dealt with in the same Manner as if it were a Report of a Committee of the House of Commons appointed to try an Election Petition, and the Expenses of any Commission of Inquiry which may be issued in accordance with the Provisions of the said Act, shall be defrayed as if they were Expenses incurred in the Registration of Voters for such County or Borough.

Report of Judge equivalent to Report of Election Committee.

14. The Report of a Judge in respect of Persons guilty of corrupt Practices shall for the Purpose of the Prosecution of such Persons in pursuance of Section Nine of the Act of the Twenty-sixth Year of the Reign of Her present Majesty, Chapter Twenty-nine, have the same Effect as the Report of the Election Committee therein mentioned that certain Persons have been guilty of Bribery and Treating.

Evidence of corrupt Practices how received.

15. On the Trial of an Election Petition, unless the Judge otherwise directs, any Charge of a corrupt Practice may be gone into and Evidence in relation thereto received before any Proof has been given of Agency on the Part of any Candidate in respect of such corrupt Practice.

Acceptance of Office not to stop Petition.

16. The Trial of an Election Petition shall be proceeded with notwithstanding the Acceptance by the Respondent of an Office of Profit under the Crown.

Prorogation of Parliament.

17. The Trial of an Election Petition shall be proceeded with notwithstanding the Prorogation of Parliament.

Proceedings.

Form of Petition.

18. An Election Petition shall be in such Form and state such Matters as may be prescribed.

19. An Election Petition shall be served as nearly as may be in the Manner in which a Writ or Summons is served, or in such other Manner as may be prescribed.

Service of Petition.

20. Two or more Candidates may be made Respondents to the same Petition, and their Case may for the sake of Convenience be tried at the same Time, but for all the Purposes of this Act such Petition shall be deemed to be a separate Petition against each Respondent.

Joint Respondents to Petition.

21. Where more Petitions than One are presented relating to the same Election or Return, all such Petitions shall in the Election List be bracketed together, and shall be dealt with as One Petition, but such Petitions shall stand in the Election List in the Place where the last of such Petitions would have stood if it had been the only Petition presented.

Provision in Cases where more than One Petition is presented.

22. On the Trial of an Election Petition the Shorthand Writer of the House of Commons or his Deputy shall attend and shall be sworn by the Judge faithfully and truly to take down the Evidence given at the Trial, and from Time to Time as Occasion requires to write or cause the same to be written in Words at Length; and it shall be the Duty of such Shorthand Writer to take down such Evidence, and from Time to Time to write or cause the same to be written at Length, and a Copy of such Evidence shall accompany the Certificate made by the Judge to the Speaker.

Shorthand Writer to attend Trial of Election Petition.

Jurisdiction of Court and Rules of Court.

23. The Court of Queen's Bench shall, subject to the Provisions of this Act, have the same Powers, Jurisdiction, and Authority with reference to an Election Petition and the Proceedings thereon as it would have if such Petition were an ordinary Cause within their Jurisdiction.

Jurisdiction of Court.

24. The Chief Justice of the Court of Queen's Bench, and the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Exchequer may from Time to Time make, and may from Time to Time revoke and alter General Rules and Orders (in this Act referred to as the Rules of Court), for the effectual Execution of this Act, and of the Intention and Object thereof, and the Regulation of the Practice, Procedure, and Costs of Election Petitions, and the Trial thereof, and the certifying and reporting thereon, and in particular respecting the Matters authorized by this Act to be prescribed by Rules, and the determining the Powers under this Act which may be exercised by a Judge at Chambers.

Rules to be made by Three Chief Judges of Common Law Courts.

Any General Rules and Orders made as aforesaid and not inconsistent with this Act shall be of the same Force as if they were enacted in the Body of this Act.

Any General Rules and Orders made in pursuance of this Section shall be laid before Parliament within Three Weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within Three Weeks after the Beginning of the then next Session of Parliament.

Practice of House of Commons to be observed.

25. Until Rules of Court have been made in pursuance of this Act, and so far as such Rules do not extend, the Principles, Practice, and Rules on which the Committees of the House of Commons have heretofore acted in dealing with Election Petitions shall be observed so far as may be by the Court and Judge in the Case of Election Petitions under this Act.

Reception and Jurisdiction of Judge.

Reception of Judge.

26. The Judge shall be received at the Place where he is about to try an Election Petition with the same State, so far as Circumstances admit, as a Judge of Assize is received at an Assize Town; he shall be received by the Sheriff in the Case of a Petition relating to a County Election, and in any other Case by the Mayor or other Chief Officer of the Place at which the Trial is to take place.

The necessary Expenses of the Judge and all Expenses properly incurred by the Sheriff or by such Mayor or other Chief Officer in receiving the Judge and providing him with necessary Accommodation and with a proper Court shall be defrayed by the Commissioners of the Treasury out of Money to be provided by Parliament.

Power of Judge.

27. On the Trial of an Election Petition the Judge shall, subject to the Provisions of this Act, have the same Powers, Jurisdiction, and Authority as a Judge of One of the Superior Courts, and as a Judge sitting at Nisi Prius.

Clerk and Crier.

28. The Judge shall be attended, on the Trial of an Election Petition, by such Clerks and Criers as may be necessary, in the same Manner as if he was sitting at Nisi Prius, and the Expenses of such Attendance shall be deemed to be Part of the Expenses of providing a Court.

Witnesses.

Summons of Witnesses.

29. Witnesses shall be subpœnaed and sworn in the same Manner as nearly as Circumstances admit as in a Trial at Nisi Prius.

Judge may summon and examine Witnesses.

30. On the Trial of an Election Petition the Judge may, by Order under his Hand, compel the Attendance of any Person as a Witness who appears to him to have been concerned in the Election to which the Petition refers, and any Person refusing to obey such Order shall be guilty of Contempt of Court. The Judge may examine any Witness so compelled to attend or any Person in Court although such Witness is not called and examined by any Party to the Petition. After the Examination of a Witness as aforesaid by a Judge such Witness may be cross-examined by or on behalf of the Petitioner and Respondent, or either of them.

Indemnity to Witnesses.

31. The Provisions of the Seventh Section of the Act of the Session of the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Twenty-nine, relating to the Examination and Indemnity of Witnesses, shall apply to any Witness appearing before a Judge on the Trial of an Election Petition under this Act, in the same Manner as in the Case of a Trial before a Committee of the House of Commons before the passing of this Act, and the Certificate shall be given under the Hand of the Judge.

Expenses of Witnesses.

32. The reasonable Expenses incurred by any Person in appearing to give Evidence at the Trial of an Election Petition under this Act, according to the Scale allowed to Witnesses on the Trial of Civil Actions at the Assizes, may be allowed to such Person by a Certificate under the Hand of the Judge or of the prescribed Officer, and such Expenses if the Witness was called and examined by the Judge shall be deemed Part of the Expenses of providing a Court, and in other Cases shall be deemed to be Costs of the Petition.

Withdrawal and Abatement of Election Petitions.

Withdrawal of Petition and Substitution of new Petitioners.

33. An Election Petition shall not be withdrawn without the Leave of the Court upon special Application.

No such Application shall be made for the Withdrawal of a Petition until the prescribed Notice has been given in the County or Borough to which the Petition relates of the Intention of the Petitioner to make an Application for the Withdrawal of his Petition.

On the Hearing of the Application for Withdrawal any Person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court to be substituted as a Petitioner for the Petitioner so desirous of withdrawing the Petition.

The Court may, if it think fit, substitute as a Petitioner any such Applicant as aforesaid; and may further, if the proposed Withdrawal is in the Opinion of the Court induced by any corrupt Bargain or Consideration, by Order direct that the Security given on behalf of the original Petitioner shall remain as Security for any Costs that may be incurred by the substituted Petitioner, and that to the Extent of the Sum named in such Security the original Petitioner shall be liable to pay the Costs of the substituted Petitioner.

If no such Order is made with respect to the Security given on behalf of the original Petitioner, Security to the same Amount as would be required in the Case of a new Petition shall be given on behalf of the substituted Petitioner before he proceeds with his Petition, and within the prescribed Time after the Order of Substitution.

Subject as aforesaid a substituted Petitioner shall stand in the same Position as nearly as may be, and be subject to the same Liabilities as the original Petitioner.

If a Petition is withdrawn, the Petitioner shall be liable to pay the Costs of the Respondent.

Where there are more Petitioners than One, no Application to withdraw a Petition shall be made except with the Consent of all the Petitioners.

CLAUSE D.
Judge to report to the Speaker Circumstances of Withdrawal.

34. In every Case of the Withdrawal of an Election Petition the Judge shall report to the Speaker the Circumstances attending the Withdrawal, and in particular shall report whether in his Opinion the Withdrawal of such Petition was the Result of any corrupt Arrangement, or in consideration of the Withdrawal of any other Petition.

Abatement of Petition.

35. The Petition shall be abated by the Death of a sole Petitioner or of the Survivor of several Petitioners.

The Abatement of a Petition shall not affect the Liability of the Petitioner to the Payment of Costs previously incurred.

On the Abatement of a Petition the prescribed Notice of such Abatement having taken place shall be given in the County or Borough to which the Petition relates, and within the prescribed Time after the Notice is given, any Person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court to be substituted as a Petitioner.

The Court may, if it think fit, substitute as a Petitioner any such Applicant who is desirous of being substituted and on whose Behalf Security to the same Amount is given as is required in the Case of a new Petition.

Admission in certain Cases of Voters to be Respondents.

36. If before the Trial of any Election Petition in any of the following Events happen in the Case of the Respondent; (that is to say,)

(1.) If he dies:

(2.) If he is summoned to Parliament as a Peer of Great Britain by a Writ issued under the Great Seal of Great Britain:

(3.) If the House of Commons have resolved that his Seat is vacant:

(4.) If he gives the prescribed Notice to the Court that he does not intend to oppose the Petition:

Notice of such Event having taken place shall be given in the County or Borough to which the Petition relates, and within the prescribed Time after the Notice is given any Person who might have been a Petitioner in respect of the Election to which the Petition relates may apply to the Court to be admitted as a Respondent to oppose the Petition, and such Person shall on such Application be admitted accordingly, either with the Respondent, if there be a Respondent, or in place of the Respondent; and any Number of Persons not exceeding Three may be so admitted.

Respondent not opposing not to appear as Party or to sit.

37. A Respondent who has given the prescribed Notice to the Court that he does not intend to oppose the Petition shall not be allowed to appear or act as a Party against such Petition in any Proceedings thereon, and shall not sit or vote in the House of Commons until the House of Commons has been informed of the Report on the Petition.

Provisions for Cases of double Return where the Member complained of declines to defend his Return.

38. Where an Election Petition complains of a double Return and the Respondent has given Notice to the prescribed Officer that it is not his Intention to oppose the Petition, and no Party has been admitted in pursuance of this Act to defend such Return, then the Petitioner if there be no Petition complaining of the other Member returned on such double Return, may withdraw his Petition by Notice addressed to the prescribed Officer, and upon the Receipt of such Notice the prescribed Officer shall report the Fact of the Withdrawal of such Petition to the Speaker, and the House of Commons shall thereupon give the necessary Directions for amending the said double Return by taking off the File the Indenture by which the Respondent so declining to oppose the Petition was returned, or otherwise as the Case may require.

Costs.

General Costs of Petition.

39. All Costs, Charges, and Expenses of and incidental to the Presentation of a Petition under this Act, and to the Proceedings consequent thereon, with the Exception of such Costs, Charges, and Expenses as are by this Act otherwise provided for, shall be defrayed by the Parties to the Petition in such Manner and in such Proportions as the Court may determine, regard being had to the Disallowance of any Costs, Charges, or Expenses which may, in the Opinion of the Court, have been caused by vexatious Conduct, unfounded Allegations, or unfounded Objections on the Part either of the Petitioner or the Respondent, and regard being had to the Discouragement of any needless Expense by throwing the Burden of defraying the same on the Parties by whom it has been caused, whether such Parties are or not on the whole successful.

The Costs may be taxed in the prescribed Manner but according to the same Principles as Costs between Attorney and Client are taxed in a Suit in the High Court of Chancery.

Recognizance, when to be estreated, &c.

40. If any Petitioner in an Election Petition presented under this Act neglect or refuse for the Space of Six Months after Demand to pay to any Person summoned as a Witness on his Behalf, or to the Respondent any Sum certified to be due to him for his Costs, Charges, and Expenses, and if such Neglect or Refusal be, within One Year after such Demand, proved to the Satisfaction of the Court, in every such Case every Person who has entered into a Recognizance relating to such Petition under the Provisions of this Act shall be held to have made default in his said Recognizance, and the prescribed Officer shall thereupon certify such Recognizance to be forfeited, and the same shall be dealt with in manner provided by the Act of the Third Year of the Reign of King George the Fourth, Chapter Forty-six.

Punishment of corrupt Practices.

Punishment of Candidate guilty of Bribery.

41. Where it is found, by the Report of a Judge upon an Election Petition, that any Bribery has been committed by or with the Knowledge and Consent of any Candidate at an Election, such Candidate shall be deemed to have been personally guilty of Bribery at such Election, and shall be incapable of being elected to and of sitting in the House of Commons during the Seven Years next after the Date of his being found guilty; and if found personally guilty in manner aforesaid of Bribery at any subsequent Election he shall be incapable of being elected to and sitting in the House of Commons during the Remainder of his Life.

If it is found in manner aforesaid that a Candidate has been guilty either by himself or by his Agents of Bribery at an Election for any County or Borough, his Election shall be void, and he shall be incapable of being elected to and of sitting in the House of Commons for the same County or Borough until after the next Dissolution of Parliament.

Penalty for employing corrupt Agent.

42. If on the Trial of any Election Petition any Candidate is proved to have personally engaged at such Election for the Purposes thereof the Services of any Person knowing that such Person has theretofore either before or after the passing of this Act been found guilty of any corrupt Practice by any competent Legal Tribunal, or the Report of a Judge upon an Election Petition, or the Report of Commissioners appointed in pursuance of the Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-seven, the Election of such Candidate shall be void.

Disqualification of Persons found guilty of Bribery.

43. Any Person found guilty of Bribery, by the Report of a Judge upon an Election Petition, shall, during the Seven Years next after the Time at which he is so found guilty, be incapable

(1.) Of being elected to and sitting in Parliament; and

(2.) Of being registered as a Voter and voting at any Election in the United Kingdom; and

(3.) Of holding any Office under the Act of the Session of the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, Chapter Seventy-six, or any Municipal Office; and

(4.) Of holding any Judicial Office, and of being appointed and of acting as a Justice of the Peace.

Miscellaneous.

Returning Officer may be sued for neglecting to return any Person duly elected.

44. If any Returning Officer wilfully delays, neglects, or refuses duly to return any Person who ought to be returned to serve in Parliament for any County or Borough within Great Britain or Ireland, such Person may, in case it has been determined on the Hearing of an Election Petition that such Person was entitled to have been returned, sue the Officer having so wilfully delayed, neglected, or refused duly to make such Return at his Election in any of Her Majesty's Courts of Record at Westminster or Dublin or in the Court of Session in Scotland, and shall recover double the Damages he has sustained by reason thereof, together with full Costs of Suit; provided such Action be commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of the Trial relating to such Election.

Calculation of Time.

45. In reckoning Time for the Purposes of this Act, Sunday, Christmas Day, Good Friday, and any Day set apart for a Public Fast or Public Thanksgiving shall be excluded.

No Stamp on Recognizances or Affidavits.

46. No Recognizance entered into or Affidavit sworn under the Provisions of this Act shall require to be impressed with any Stamp.

Controverted Elections to be tried under Act.

47. After the Commencement of this Act no Election or Return shall be questioned except in accordance with the Provisions of this Act.

Returning Officer if complained of to be Respondent.

48. Where an Election Petition complains of the Conduct of a Returning Officer, such Returning Officer shall for all the Purposes of this Act, except the Admission of Respondents in his Place, be deemed to be a Respondent.

Petition complaining of no Return.

49. A Petition complaining of no Return may be presented to the Court, and shall be deemed to be an Election Petition within the Meaning of this Act, and the Court may make such Order thereon as they think expedient for compelling a Return to be made, or may allow such Petition to be heard by the Judge in manner herein-before provided with respect to ordinary Election Petitions.

Recrimination when Petition for undue Return.

50. On the Trial of a Petition complaining of an undue Return and claiming the Seat for some Person, the Respondent may give Evidence to prove that the Election of such Person was undue in the same Manner as if he had presented a Petition complaining of such Election.

Repeal of Acts.

51. From and after the Commencement of this Act the Acts contained in the Schedule hereto are hereby repealed to the Extent therein mentioned; provided that such Repeal shall not affect the Validity or Invalidity of anything already done or suffered or any Offence already committed, or any Remedy or Proceeding in respect thereof or the Proof of any past Act or Thing.

SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
4 & 5 Vict. c. 57. -	An Act for the Prevention of Bribery at Elections.	The whole Act.
5 & 6 Vict. c. 102. -	An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament.	The whole Act.
11 & 12 Vict. c. 98.	An Act to amend the Law for the Trial of Election Petitions.	The whole Act.
17 & 18 Vict. c. 102.	An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament.	Section 36.
26 Vict. c. 29. -	An Act to amend and continue the Law relating to corrupt Practices at Elections of Members of Parliament.	Section 8.
28 Vict. c. 8. -	An Act to amend "The Election Petitions Act, 1848," in certain Particulars.	The whole Act.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of corrupt Practices at Parliamentary Elections.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer Mr. Secretary
Walpole, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,*
11 *July* 1867.

[Bill 247.]

Under 3 *oz.*

A

B I L L

TO

Amend the Law relating to the Registration of Persons entitled to vote at the Election of Members to serve in Parliament.

WHEREAS it is expedient to amend the Law relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for England and Wales: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. This Act may be cited for all Purposes as "The Parliamentary Registration Act, 1867."

Short Title.

2. This Act shall not apply to Scotland or Ireland.

Not to apply to Scotland or Ireland.

3. No Person shall be entitled to have his Name inserted more than once upon any Register of Persons entitled to vote at any Election of a Member or Members to serve in Parliament; and if from any Cause whatever the Name of any Person shall appear

No Person entitled to be inserted more than once on Register.

more than once upon such Register, then the Revising Barrister, upon Proof that Notice of Objection has been duly given as next herein-after provided, shall, unless such Person attend before him and elect in respect of which Qualification he will have his Name retained on the Register, strike off and remove from the Register each and every Repetition of the Name of such Voter, after the same shall have appeared once upon such Register, together with the Place of Abode, Qualification, and Description thereto attached. In case the Person so objected to shall attend before the Revising Barrister and make his Election as aforesaid, the Revising Barrister shall leave the Name, Place of Abode, Qualification, and Description upon the Register in respect of which such Election shall be made, and shall strike off and remove from such Register every Repetition of the Name of such Person, together with the Place of Abode, Qualification, and Description as aforesaid.

Any Person on Register may object to Name of any one appearing more than once on Register.

4. Every Person whose Name shall be on any List of Voters for the Time being in force for any County, City, or Borough may object to the Name of any other Person which shall appear oftener than once upon the Register for such County, City, or Borough, such Objection to be in the Form in the Schedule to this Act or to the like Effect, and to be signed by the Person objecting, and be given to or left at the Place of Abode of the Person whose Name is objected to on or before the *Twenty-fifth Day of August* of the Year in which such Register is to be made, or be sent by Post as by Law required with reference to Notices of Objection to Persons as not being entitled to be inserted on the List of Voters.

Lists to be deemed to be Register.

5. For the Purposes of this Act the Lists to be delivered to the Revising Barrister by the Clerk of the Peace in Counties, and by the Town Clerk and Overseers in Cities and Boroughs, and by the Secondaries and Clerks of Livery Companies in the City of London, shall, when and as delivered, be and be deemed to be the Register of Persons entitled to vote at any Election of a Member or Members for such Counties, Cities, and Boroughs respectively.

The

The SCHEDULE referred to.

NOTICE of OBJECTION to be given to a PERSON whose NAME appears more than once upon the REGISTER.

To Mr.

I hereby give you Notice, that I object to your Name being retained more than once upon the Register of Persons entitled to vote in the Election of a Member [*or* Members] for the County [*or* City *or* Borough] of , and that you are required to attend before the Revising Barrister and make your Election in respect of which Qualification you will have your Name retained upon the said Register.

Dated this Day of 18 .

(Signed) *A. B.* of [*Place of Abode*]
on the List of Voters for the Parish
of .

Parliamentary Registration.

A

BILL

To amend the Law relating to the Registration of Persons entitled to vote at the Election of Members to serve in Parliament.

(Prepared and brought in by
Viscount Amberley and Mr. Baines.)

Ordered, by The House of Commons, *to be Printed,*
7 *May* 1867.

[Bill 136.]

Under 1 *oz.*

Patriotic Fund Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short Title.
2. Repeal of 29 & 30 Vict. c. 120.
3. Interpretation.
4. Confirmation of existing Appropriations and other Acts of Commissioners.
5. Application of Patriotic Fund subject to existing Appropriations.
6. Contribution to Royal, &c. Institutions.
7. Saving for existing Arrangements.
8. Official Trustees of Fund.
9. Vesting of Property in Trustees for Time being.
10. Accounts in Official Titles.
11. Transfer of present Securities to Account of Official Trustees.
12. Deposit of Securities in Bank of England.
13. Proceeds of Sales to be carried to Account of Paymaster General.
14. Separate Cash Account by Paymaster General.
15. Actions, &c. by and against Official Trustees.
16. Style of Official Trustees in Deeds, &c.
17. Audit of Accounts.
18. Secretary and Clerks, &c.
19. Pensions and Retiring Allowances.
20. Exercise of Rights of Nomination to Schools, &c.
21. Rodriguez Fund.

SCHEDULE.

A

BILL

INTITULED

An Act to make better Provision for the Administration of the Patriotic Fund.

WHEREAS the Fund called the Patriotic Fund is administered under a Commission issued by Her Majesty the Queen under Her Royal Sign Manual, dated the Seventh Day of October One thousand eight hundred and fifty-four (in this Act referred to as the original Commission):

And whereas the Executive Committee of the Commissioners thereby appointed have appropriated Part of the Fund for the Erection and Endowment of a Girls School known as the Royal Victoria Patriotic Asylum, and have appropriated other Part of the Fund for the Endowment of a Boys School, and have appropriated other Parts of the Fund for the Purposes described in the Schedule to this Act, and the Appropriations aforesaid have been adopted by the Commissioners, and have been from Time to Time approved by Her Majesty, or been specified in the Reports of the Commissioners made to Her Majesty, and laid before the Houses of Parliament; and it is expedient that the Appropriations aforesaid be now confirmed by Parliament:

And whereas it is estimated that the Fund will be more than sufficient for the Objects designated in the original Commission, and it is expedient that Her Majesty, Her Heirs and Successors, be empowered to give from Time to Time further Directions respecting the Application of the Fund, subject to the Appropriations aforesaid, and respecting the Constitution and Powers of the Body of Commissioners, and the Conduct of the Business relating to the Fund, and that Provision be made respecting the vesting and Transmission of Property held in trust for the Purposes of the Fund:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Patriotic Fund Act, 1867.

Repeal of 29 & 30 Vict. c. 120.

2. The Patriotic Fund Act, 1866, is hereby repealed.

Interpretation.

3. In this Act the Term "the First Lord of the Admiralty" means such one of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom as is for the Time being first named in their Commission; and the Provisions of this Act relative to the First Lord of the Admiralty extend and apply to the Lord High Admiral of the United Kingdom for the Time being in case at any Time Her Majesty, Her Heirs or Successors, is or are pleased to constitute a Lord High Admiral.

In this Act the Term "the Secretary of State for War" means such one of Her Majesty's Principal Secretaries of State as for the Time being Her Majesty is pleased to intrust with the Seals of the War Department.

In this Act the Term "the Paymaster General" means Her Majesty's Paymaster General for the Time being.

Confirmation of existing Appropriations and other Acts of Commissioners.

4. Such of the Acts of the Commissioners from Time to Time acting under the original Commission as relate to the Application and Appropriation of the Patriotic Fund, and as have from Time to Time been approved by Her Majesty, or been specified in their Reports made to Her Majesty and laid before the Houses of Parliament, shall be and be deemed to have been valid and binding, and are hereby respectively confirmed.

Application of Patriotic Fund subject to existing Appropriations.

5. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, by Supplementary Commission under the Royal Sign Manual, directed to such Persons as to Her Majesty, Her Heirs or Successors, seem fit, to authorize and direct the Commissioners thereby constituted to apply the Patriotic Fund and the Income and Accumulations thereof, or any Part or Parts thereof, subject to the Appropriations aforesaid (in such Manner as any such

Commission from Time to Time directs, or, in the Absence of such Direction, or as far as such Direction, if any, does not extend, as the Commissioners think fit), to the Purposes and in the Order following:

First, in Relief of Widows, and Maintenance, Education, Training, and Advancement of Children, of Soldiers, Seamen, and Marines of Her Majesty's Army and Navy who lost their Lives in Battle in the late War with Russia, or in consequence of Wounds received in or by or in consequence of other Casualties sustained in or Disease contracted in that War:

Secondly, in Maintenance, Education, Training, and Advancement of Children of Soldiers, Seamen, and Marines of Her Majesty's Army and Navy who have lost or hereafter lose their Lives in Battle in any other War, or in consequence of Wounds received in or by or in consequence of other Casualties sustained in or Disease contracted in any other War:

Thirdly, in Maintenance, Education, Training, and Advancement of Children of other Soldiers, Seamen, and Marines of Her Majesty's Army and Navy who have lost or hereafter lose their Lives in the Service of the Crown, or by or in consequence of Casualties sustained or Disease contracted in the Service of the Crown.

Contribution to Royal, &c. Institutions.

6. Any Supplementary Commission may authorize the Commissioners acting thereunder, for the better Accomplishment of any Purpose of the Commission, to increase, extend, or make Additions to any Royal or other Charitable Institutions founded within the United Kingdom for any of the Purposes for or towards which under the preceding Section the Commissioners have Power to apply the Patriotic Fund or the Accumulations thereof or of any Part thereof.

Saving for existing Arrangements.

7. Nothing in this Act shall be deemed to authorize the Insertion in any Supplementary Commission of any Authority or Direction that would prejudicially affect the Claim of any Person under any Grant or Arrangement made before the passing of this Act, or before the issuing of such Supplementary Commission, by the Commissioners acting under the original or any other Commission.

Official Trustees of Fund.

8. Any Supplementary Commission may direct that the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General shall be the Trustees of the Patriotic Fund, in trust to support the Appropriations in such Commission specified, and subject thereto in trust for any Purposes therein specified in conformity with the Provisions of this Act.

Vesting of Property in Trustees for Time being.

9. If by any Supplementary Commission the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General are constituted the Trustees of the Patriotic Fund, then any Real or Personal Property conveyed to or acquired by them (who are in this Act referred to as the Official Trustees of the Patriotic Fund) in the Capacity of Trustees of the Patriotic Fund shall vest in them as such, and the same shall go to and be held by their Successors in Office for the Time being, without any Conveyance or Assignment.

Accounts in Official Titles.

10. The Governor and Company of the Bank of England shall, when required by the Official Trustees of the Patriotic Fund, open and keep all Accounts of Annuities, Stocks, Funds, and Securities belonging to the Patriotic Fund, and standing in the Books of the said Governor and Company, as the Accounts of the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General for the Time being (by their official Titles) ex-parte the Patriotic Fund; and all Interest and Dividends accruing on such Annuities, Stocks, Funds, and Securities shall, from Time to Time without any further Authority or Direction than this Act, be received by the said Governor and Company, and shall be carried by them to the Cash Account of the Paymaster General in their Books.

Transfer of present Securities to Account of Official Trustees.

11. The Production to the Governor and Company of the Bank of England, or to any other Body, or to any Person, of this Act, and of the First Supplementary Commission thereunder, constituting the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General the Trustees of the Patriotic Fund, and of a Direction of the Commissioners of the Patriotic Fund in Writing, signed by their Secretary, shall be sufficient Authority to such Governor and Company, Body or Person, for the Transfer forthwith after the issuing of such Commission to the Account of the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General for the Time being, ex-parte the Patriotic Fund, of all Annuities, Stocks, Funds, or Securities belonging to the Patriotic Fund at the issuing of such Commission, and specified in such Direction; and the said Governor and Company and every such Body or Person are and is hereby indemnified in respect of the Transfer made in accordance with such Direction.

Deposit of Securities in Bank of England.

12. All Securities from Time to Time belonging to the Patriotic Fund and not standing in the Books of the Governor and Company of the Bank of England shall be deposited in the Bank of England for the Credit and at the Disposal of the Official Trustees of the

Patriotic Fund; and all Interest and Dividends accruing on such Securities shall from Time to Time, under the Authority and Direction of the Official Trustees of the Patriotic Fund, be received by the said Governor and Company, and shall be carried by them to the Cash Account of the Paymaster General in their Books.

Proceeds of Sales to be carried to Account of Paymaster General.

13. On Sale at any Time, under the Authority and Direction of the Official Trustees of the Patriotic Fund, of any Annuities, Stocks, Funds, or Securities for the Time being standing to the Account of the Official Trustees of the Patriotic Fund in the Books of the Governor and Company of the Bank of England, and on Sale at any Time, under the like Authority and Direction, of any Securities belonging to the Patriotic Fund deposited in the Bank of England, the Proceeds of Sale shall be received by the said Governor and Company, and shall be carried by them to the Cash Account of the Paymaster General in their Books.

Separate Cash Account by Paymaster General.

14. Any Cash for the Time being in the Hands of the Paymaster General belonging to the Patriotic Fund shall be carried to a separate Account in his Books.

Actions, &c. by and against Official Trustees.

15. The Official Trustees of the Patriotic Fund may institute or defend any Action or Suit relative to any Lands contracted to be purchased or taken for the Purposes of the Patriotic Fund, and may institute any Action of Ejectment or other Action or any Suit for recovering Possession of any Lands vested in them or purchased for the Patriotic Fund, and may distrain or sue for any Arrears of Rent due in respect thereof, and may institute any Action or Suit in respect of any Trespass or Encroachment committed thereon or Damage done thereto, or any other Action or Suit in respect thereof, and may defend any Action or Suit in respect thereof, and may institute and prosecute any Action, Suit, or Proceeding, Civil or Criminal, concerning Property belonging to the Patriotic Fund; and in every such Action, Suit, or Proceeding they may be styled The Official Trustees of the Patriotic Fund, without more; and any such Action, Suit, or Proceeding shall not be affected by any Change in the Persons for the Time being holding the Offices of First Lord of the Admiralty and Secretary of State for War and Paymaster General or either of them.

Style of Official Trustees in Deeds, &c.

16. In Deeds, Powers of Attorney, and other Instruments the Official Trustees of the Patriotic Fund may be so styled without the Names or Name of them or either of them being expressed.

Audit of Accounts.

17. The Accounts of the Receipts and Expenditure of the Patriotic Fund shall be audited by such Persons and in such Manner as the Commissioners of Her Majesty's Treasury from Time to Time direct.

Secretary and Clerks, &c.

18. Any Supplementary Commission may authorize the Commissioners acting thereunder to employ a Secretary and Clerks at Salaries, the same, with other proper Expenses, to be paid out of the Patriotic Fund.

Pensions and Retiring Allowances.

19. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, by Warrant under the Royal Sign Manual, on the Submission of the Commissioners of the Patriotic Fund, to award to any Person who has been employed by the Commissioners of the Patriotic Fund, acting under the Original or any Supplementary Commission, such Pension or retiring Allowance as to Her Majesty, Her Heirs or Successors, seems fit, to be paid out of the Patriotic Fund.

Exercise of Rights of Nomination to Schools, &c.

20. All Rights of Nomination to Schools or Institutions possessed by the Commissioners acting under the Original Commission, or by the Executive Committee of those Commissioners and for the Time being exerciseable, and all Powers relative thereto, may be exercised by the Commissioners for the Time being acting under any Supplementary Commission, or by the Executive Committee of those Commissioners, as any Supplementary Commission directs; and in the event of the Original and any Supplementary Commission being superseded, or of the Discontinuance of the Commissioners under any Supplementary Commission, or of a Reduction of the Number of those Commissioners below Twelve, then the same may be exercised by such Person or Persons as Her Majesty, Her Heirs or Successors, from Time to Time, by Warrant under the Royal Sign Manual, is or are pleased to direct.

Rodriguez Fund.

21. Any Supplementary Commission may direct that the Fund known as the Rodriguez Fund shall be applied for the same or the like Purposes as the Patriotic Fund, and the same shall be applied accordingly.

SCHEDULE.

Appropriations of Patriotic Fund (except for Victoria Asylum and Boys School).

1. The Sum of Two thousand five hundred Pounds Sterling invested in the Purchase of Two thousand seven hundred and forty-seven Pounds Five Shillings and One Penny New Three Pounds per Centum in the Names of Lord Colchester and Lieutenant-Colonel James Lindsay and of William Hillyar and Harry Lord Richards, and held under the Trusts, declared by a Deed Poll of the Ninth Day of February One thousand eight hundred and fifty-seven, to secure in perpetuity, on the Nomination of the Royal Commissioners, the Admission of Thirteen Boys, Sons of Soldiers, Sailors, or Marines of Her Majesty's Service, into the Royal, Naval, and Military Free School at Devonport.

2. The Sum of Two thousand five hundred Pounds Sterling invested in the Purchase of Two thousand seven hundred and forty-seven Pounds Five Shillings and One Penny New Three Pounds per Centum in the Names of the said Lord Colchester and Lieutenant Colonel James Lindsay and the Reverend Joshua Woolley, LL.D., and Captain Andrew Rogers Savage, Royal Marine Artillery, and held under the Trusts, declared by a Deed Poll of the Eighteenth Day of February One thousand eight hundred and fifty-seven, to secure in perpetuity, on the Nomination of the Royal Commissioners, the Admission of Eleven Boys, the Sons of Soldiers, Sailors, or Marines of Her Majesty's Service, into the Royal Seamen and Marines Orphan School, Portsea.

3. The Sum of Twenty-five thousand Pounds paid to the Governors of Wellington College, upon an Agreement confirmed by a Byelaw of the said Governors of the Twenty-seventh Day of February One thousand eight hundred and fifty-seven, to secure in perpetuity, on the Nomination of the said Royal Commissioners, the Admission of Eighteen Boys, Children of deceased Commissioned Officers in Her Majesty's Army, into the said College.

4. The Sum of One thousand Pounds paid to the Treasurer of the Cambridge Asylum at Kingston-on-Thames towards building, and Two thousand Pounds Sterling invested in the Purchase of Two thousand one hundred and sixteen Pounds Eight Shillings and One Penny New Three Pounds per Centum in the Names of the said Lord Colchester and Lieutenant-Colonel James Lindsay and James Liddell and George Tempest Rowland, and held under the Trusts, declared by a Deed Poll of the Third Day of September One thousand

eight hundred and fifty-seven, to secure in perpetuity, on the Nomination of the said Royal Commissioners, the Admission of Five Women, Widows of Soldiers, into the Cambridge Asylum.

5. The Sum of Five thousand Pounds Sterling paid to the Treasurer of the Royal Naval Female School at St. Margaret's, Isleworth, for the general Purposes of the Institution, and held under an Indenture or Deed of Covenant of the Sixteenth Day of April One thousand eight hundred and fifty-seven, to secure in perpetuity, on the Nomination of the said Royal Commissioners, the Admission of Five Pupils into the said Royal Naval Female School upon the Terms and Conditions mentioned in the said Indenture.

6. The Sum of Eight thousand Pounds Sterling paid to the Royal Naval School, New Cross, for the general Purposes of the Institution, under the Sanction of Parliament, to secure the Admission in perpetuity, on the Nomination of the said Royal Commissioners, of Seven Pupils, Sons of Naval or Marine Officers, upon the Terms and Conditions specified in the Twenty-third and Twenty-fourth Victoria, Chapter One hundred and four (Local and Personal).

Patriotic Fund. [H.L.]

A

BILL

INTITULED

An Act to make better Provision for the Administration of the Patriotic Fund.

(Brought from the Lords 22 July 1867.)

Ordered, by The House of Commons, *to be Printed,*
24 July 1867.

[Bill 278.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law for regulating the Hours of receiving and delivering Goods and Chattels as Pawns in Pawnbrokers Shops.

WHEREAS it is expedient that Amendment should be made in the Hours within which the Business of a Pawnbroker may be lawfully carried on: Preamble.

And whereas by an Act of Parliament passed in the Ninth and Tenth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Law for regulating the Hours of receiving "and delivering Goods and Chattels as Pawns in Pawnbrokers "Shops," it is enacted, that no Pawnbroker should receive or take in any Goods by way of Pawn before Eight of the Clock in the Forenoon or after Seven of the Clock in the Evening between Michaelmas Day and Lady Day following, or before Seven of the Clock in the Forenoon or after Eight of the Clock in the Evening during the Remainder of the Year, excepting only until Eleven of the Clock on the Evening of Saturdays, and the Evenings preceding Good Friday, Christmas Day, and every Fast Day: 9 & 10 Vict. c. 98.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Hours between which Pawnbrokers are allowed to receive or deliver Pledges.

1. That from and after the *Twenty-ninth Day of September* next after the passing of this Act, no Pawnbroker shall receive or take in, or permit or suffer to be received or taken in, any Goods or Chattels by way of Pawn, Pledge, or in Exchange, or deliver out, or permit or suffer to be delivered out or redeemed, or receive, or permit or suffer to be received, any Money in Redemption or in part Redemption of any Goods or Chattels theretofore deposited or pawned or pledged with him, or received by him in Exchange, or receive, or permit or suffer to be received, any Money in Repayment or in part Repayment of any Loan theretofore made by him, before *Eight of the Clock* in the Forenoon between Michaelmas Day and Lady Day following, or before *Seven of the Clock* in the Forenoon during the Remainder of the Year, or after *Seven of the Clock* in the Evening, excepting only until Eleven of the Clock on the Evenings of Saturday throughout the Year, and the Evenings next preceding Good Friday and Christmas Day, and every Fast Day or Thanksgiving Day appointed by Her Majesty; and in case any Pawnbroker offend against the Provisions of this Act, every such Pawnbroker shall, for every such Offence, on Conviction thereof upon the Oath of any One or more credible Witness or Witnesses, before any One or more of Her Majesty's Justices of the Peace having Jurisdiction over the Place where such Offence shall have been or shall be committed, forfeit and pay not less than *Twenty Shillings* nor exceeding *Five Pounds*, as such Justice or Justices shall adjudge; and every such Penalty shall and may be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same respectively, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices before whom such Offender or Offenders, Person or Persons, shall or may have been convicted; and every such Penalty shall be applied and disposed of in like Manner as Forfeitures incurred for any Offence against the last-recited Act.

Penalty on Pawnbrokers offending against this Act.

Penalty and Costs may be levied by Distress.

Pawnbroking.

A

BILL

To amend the Law for regulating the Hours of receiving and delivering Goods and Chattels as Pawns in Pawnbrokers Shops.

(Prepared and brought in by
Mr. Ayrton and Mr. O'Beirne.)

Ordered, by The House of Commons, *to be Printed,*
3 *June* 1867.

[Bill 182.]

Under 1 *oz.*

A

BILL

TO

Consolidate and amend the Laws relating to Petit Juries in Ireland.

WHEREAS it is expedient to consolidate and amend the Laws relating to Petit Juries in Ireland: **Preamble.**

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Juries Act (Ireland), 1867." **Short Title.**

2. This Act shall extend to Ireland only. **Extent of Act.**

3. In this Act and the Schedules annexed hereto the following Words shall be respectively construed as herein-after defined, unless there be something in the Subject Matter or Context repugnant to such Construction or Definition; that is to say: **Interpretation of Terms.**

The Word "County" shall mean and include a Riding of a County having a separate Commission of the Peace, and also a County of a City and a County of a Town:

The Word "Court" shall mean and include each of the Superior Courts of Common Law and Equity, and the Probate Court at Dublin, and every Court of Assize, Nisi Prius, Oyer and Terminer, and Gaol Delivery, and every General Sessions of the Peace, and every Recorder's Court:

The Word "Judge" shall include every Justice and Commissioner of Assize, Nisi Prius, Oyer and Terminer, and Gaol Delivery, and also every Chairman of Justices presiding at General Sessions of the Peace for any County, and every Recorder, and also every Person duly appointed and acting as Deputy for any of the Judges aforesaid:

The Word "Sheriff" shall include Under Sheriff:

The Words "Clerk of the Peace" and "Clerk of a Poor Law Union" shall include the respective Deputies of the said "Clerk of the Peace" and "Clerk of a Poor Law Union," and any Person duly authorized to discharge the Duties of the said Officers respectively.

Repeal of Acts and Parts of Acts set forth in the First Schedule.

4. From and after the *Commencement of this Act*, the several Acts and Parts of Acts set forth in the First Schedule hereto annexed, to the Extent to which the same are by the said Schedule expressed to be repealed, shall be and the same are hereby repealed, except as to anything done before the Commencement of this Act, and except as to the Enforcement of any Penalty for any Offence committed before the Commencement of this Act, and except so far as any of the said Acts or Parts of Acts expressly or by Implication repeal any former Act or Acts or Part or Parts of any former Act or Acts.

Qualification of Jurors.

3 & 4 W. 4. c. 91. s. 1.
13 & 14 Vict. c. 69. s. 1.

13 & 14 Vict. c. 69. s. 13.

5. Every Man, except as herein-after excepted, resident in any County in Ireland, who shall be, either in his own Name or as a Member of a Firm or Copartnership, rated for the Relief of the Poor in respect of Lands, Tenements, or Hereditaments within such County of the net annual Value of *Twenty* Pounds or upwards, or whose Name shall appear in the Register for the Time being of Parliamentary Voters for such County, or for any Borough wholly or partly included within such County, as a Freeholder or Copyholder, or Lessee or Assignee of a Lease of any Lands, Tenements, or Hereditaments situate within such County, or within any Borough or Part of a Borough included within such County, of the net annual Value of *Twenty* Pounds or upwards, shall be qualified and liable to serve on all Juries for the Trial of all Issues, Civil and Criminal, joined in any Court and triable in the County in which such Man shall reside, and shall also be qualified and liable to serve on all Grand Juries in Courts of Session of the Peace within such County, and on all Inquests and Inquiries duly held within such County under any lawful Writ or Commission, by or before any Sheriff or Coroner, or by or before any Master of, or Commissioner appointed by, any of the Superior Courts of Common Law or Equity, or by or before any Commissioner appointed under the Great Seal, or the Seal of the Court of Exchequer: Provided always, that every Man who shall in his own Name, or as a Member of a Firm or Copartnership, carry on any Trade or Business in any House, Office, Shop, Store, or Place of Business in any County in Ireland shall for the Purposes of this Act be deemed to be resident in such County.

Exemptions. 3 & 4 W. 4. c. 2.

6. All Persons above the Age of *Sixty* Years; all Peers and Privy Councillors; all Judges of any of the Queen's Courts of Record; all Clergymen in Holy Orders, and Ministers of any Religious Congregation; all Serjeants and Barristers-at-Law, actually practising, or holding and performing the Duties of any Place or Office of Emolument under the Crown; all Proctors, Attorneys, and Solicitors actually practising, and having duly taken out their annual Certificates; all Officers of any of the Queen's Courts, or of any Ecclesiastical Court, actually performing the Duties of their respective Offices; all Recorders, Resident Stipendiary Magistrates, Coroners, Gaolers, and Keepers of Houses of Correction, actually performing the Duties of their respective Offices; all Poor Law Inspectors and Sub-Inspectors, Inspectors and Sub-Inspectors of National Schools, Prisons, and Factories; all Medical and Surgical Practitioners duly registered and actually practising; all Apothecaries actually carrying on Business, and duly certified by the Court of Examiners of the Governor and Company of the Apothecaries Hall of the City of Dublin or of the City of London; all Officers of Her Majesty's Navy or Army on Full Pay or on active Service; all Persons employed and acting in the Service of the Police, Constabulary, Customs, Excise, or Post Office; all Sheriffs, Under Sheriffs, and Sheriffs Officers; all Town Clerks, Parish Clerks, and Clerks of Petty Sessions, and their respective Deputies; all County Surveyors, County Treasurers, and Secretaries to Grand Juries, and their respective Deputies, Clerks, and Assistants; all Notaries Public, and Commissioners for taking Affidavits for any of the Superior Courts of Law or Equity; all Masters of Vessels in actual Employment, and duly licensed Pilots; and also all Persons heretofore exempted by virtue of any Prescription, Charter, Grant, Writ, or local or personal Act of Parliament, shall be absolutely freed and exempted from serving on any Jury or Inquest whatsoever, and the Names of such Persons shall not be inserted in the Jurors Lists or Jurors Books to be prepared by virtue of this Act, as herein-after directed: Provided always, that if the Name of any Person so exempted as aforesaid shall be inserted

in any of the said Jurors Lists or Books, and shall not have been removed therefrom as herein-after provided, such Person shall not, if returned upon any Panel, be entitled to claim Exemption from serving on any Jury called from such Panel, or be excused, challenged, or objected to by reason only of being entitled to Exemption as aforesaid.

No Justice to serve as a Juror within his own Jurisdiction at any Sessions of the Peace.
3 & 4 W. 4. c. 91. s. 38.

7. No Justice of the Peace shall be summoned, empannelled, or permitted to serve as a Juror at any Sessions of the Peace, or in any Civil Bill Court or Recorder's Court, within the Jurisdiction of which he is a Justice.

Disqualifications.
3 & 4 W. 4. c. 91. s. 3.

8. All Infants under the Age of *Twenty-one* Years; all Persons not being natural-born Subjects of the Queen (except in the Cases herein-after expressly provided for); all Persons attainted of Treason or Felony, or convicted of any Crime that is infamous (unless having obtained a free Pardon), or who have at any Time within *Seven* Years undergone Punishment by Imprisonment for any Criminal Offence; all Bankrupts not having obtained their Certificates, and all Persons discharged within *Five* Years as insolvent Debtors, shall be disqualified from serving on any Jury or Inquest whatsoever: Provided always, that if any Person so disqualified as aforesaid shall be sworn and shall have served upon any Jury or Inquest, and shall not have been objected to by reason of such Disqualification before Verdict, such Verdict shall not thereafter be impeached or questioned by reason of such Person having so served as aforesaid.

Juries de medietate linguæ.
3 & 4 W. 4. c. 91. s. 37.

9. Nothing herein contained shall deprive any Alien indicted or impeached of any Felony or Misdemeanor of the Right of being tried by a Jury de medietate linguæ, but on the Prayer of every Alien so indicted or impeached the Sheriff or other proper Officer shall, by Command of the Court, and within such Time as the Court shall direct, return for One Half of the Jury a competent Number of Aliens, if so many there be in the Town or Place where the Trial is had, and if not then so many Aliens as shall be there found, and no such alien Juror shall be challenged for Want of any Qualification with respect to Property required by this Act, but every such Alien may be challenged for any other Disqualification or any other sufficient Cause.

Clerk of Peace to issue Precept to Clerks of Unions.
13 & 14 Vict. c. 69. s. 20.

10. Within One Week after the *First Day of July* in every Year a Precept, in the Form A. set forth in the Second Schedule hereto annexed, shall be delivered by the Clerk of the Peace of every County in Ireland, except the County of the City of Dublin, to the Clerk of every Poor Law Union wholly or partly included within such County, and by the Clerk of the Peace of the County of the City of Dublin to the Collector General of Rates for the City of Dublin, requiring each such Clerk and the said Collector General of Rates, respectively, to prepare and return to such Clerk of the Peace on or before the First Day of August next ensuing a complete and true List of all Men rated in the then last Rate made in the said Union and in the said County of the City of Dublin respectively, for the Relief of the Poor in respect of Lands, Tenements, or Hereditaments within such Union, or the Part thereof within such County, and within the said County of the City of Dublin, of the net annual Value of *Twenty* Pounds or upwards, and of the Cause of Exemption or Disqualification (if there be any known to such Clerk or the said Collector General respectively) affecting any such Man to serve as a Juror within such County, and shall cause a sufficient Number of Forms to be printed according to the Form B. set forth in the Second Schedule hereto annexed, at the Expense of the County, and shall issue and deliver with the said Precept a sufficient Number of the said Forms for the Use of the Persons by whom the same are to be filled up and returned as herein-after provided.

Clerks of Unions to return Lists. 13 & 14 Vict. c. 69. s. 20.

11. The Clerk of every Poor Law Union and the Collector General of Rates in the County of the City of Dublin shall forthwith after the Receipt of such Precept from the Clerk of the Peace prepare, in alphabetical Order of Surnames, and consecutively numbered, a complete and true List in the Form B. set forth in the Second Schedule hereto annexed of the Name of every Man rated as aforesaid in respect of Lands, Tenements, and Hereditaments within such Union and County, with his Christian Name and Surname written at full Length, and with the true or last known Place of Abode, and the Title, Quality, Calling or Business, and the net annual Value and Place of the rated Property of each such Man, and of the Cause of Exemption or Disqualification (if there be any known to such Clerk or the said Collector General) affecting any such Man to serve as a Juror within such County, and shall inscribe the same in the proper Columns of the said Forms, and shall on or before the First Day of August next ensuing the Receipt of such Precept as aforesaid deliver the said Forms, with the said List so inscribed thereon, to the Clerk of the Peace of the County, with a Declaration at Foot thereof, made under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths, and signed by every Clerk of any Union and the Collector General of Rates for the City of Dublin, delivering the same, that the same has been fully and correctly prepared from the Rate Books of the Union, in pursuance of the Provisions of this Act, and that the Cause or Causes stated therein of the Exemption or Disqualification of any Person to serve as a Juror is or are stated truly according to the best Information, Knowledge, and Belief of the Person stating the same.

Clerk of Peace to prepare List of Jurors from List of Parliamentary Voters.
13 & 14 Vict. c. 69. s. 64.

12. The Clerk of the Peace of every County in Ireland shall, on or before the First Day of August in every Year, prepare, in alphabetical Order of Surnames, and consecutively numbered, a complete and true List in the Form C. set forth in the Second Schedule hereto annexed of the Names of all Persons who shall appear on the then last revised Register of Parliamentary Voters for such County, or any Borough or Part of a Borough included within such County, as being Freeholders, Copyholders, Lessees, or Assignees of Leases of any Lands, Tenements, or Hereditaments within such County, or within any Borough or Part of a Borough included within such County, of the net annual Value of *Twenty* Pounds or upwards, with their Christian Names and Surnames written at full Length, and with the true or last known Place of Abode, and the Title, Quality, Calling, or Business of each such Person, and the net annual Value and Place of the Property in respect of which each such Person is registered as a Parliamentary Voter, and of the Cause of Exemption or Disqualification (if there be any known to such Clerk of the Peace) affecting any such Voter to serve as a Juror within such County, and shall sign a Declaration at Foot thereof, made under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths, that the same has been fully and correctly prepared from the then last revised Registers of Parliamentary Voters for such County, and for every Borough or Part of a Borough included within such County, in pursuance of the Provisions of this Act, and that the Cause or Causes stated therein of the Exemption or Disqualification of any Person to serve as a Juror is or are stated truly according to the best Information, Knowledge, and Belief of the Person stating the same.

Clerk of the Peace to prepare general List of Jurors.

13. The Clerk of the Peace of every County in Ireland shall, on or before the *Fifteenth Day of August* in every Year, cause to be made out and printed from all the said Lists so furnished to and made out by him as aforesaid, one true and complete general List in the Form D. set forth in the Second Schedule hereto annexed, containing the Names, arranged in alphabetical Order of Surnames, and consecutively numbered, of all the Persons contained in the said Lists, with their Christian Names and Surnames written at full Length, and with the true or last known Place of Abode, and the Title, Quality, Calling, or Business, and the net annual Value and Place of the Property of each such Person, and the Cause of Exemption or Disqualification (if any) affecting any such Person; and such general List shall, when so made out and printed, be called the "General List of Jurors," and shall be kept in the Office of the Clerk of the Peace for the County until the same shall be revised as herein-after directed, and shall be open to Inspection therein at all reasonable Times without Hindrance, Fee, or Reward.

Clerk of Peace to prepare "List of Special Jurors."
3 & 4 W. 4. c. 91. s. 24.

14. The Clerk of the Peace of every County in Ireland shall, on or before the Thirty-first Day of August in every Year, cause a separate List to be made out from the said "General List of Jurors," and to be printed in the Form D. set forth in the Second Schedule hereto annexed, containing the Names, arranged in alphabetical Order of Surnames, and consecutively numbered, of all the Persons contained in the said "General List of Jurors" who are Sons of Peers, Baronets, Knights, Magistrates, Persons who have served the Office of Sheriff or Grand Juror at the Assizes, Bankers, wholesale Merchants, Traders who are possessed of personal Property of the Value of *Five thousand* Pounds, and the eldest Sons of such Persons respectively; and Persons appearing in the said General List as being, either in their own Names respectively or as Members of any Firm or Copartnership, rated for the Relief of the Poor in respect of Lands, Tenements, or Hereditaments of the net annual Value of *Fifty* Pounds or upwards, or as Freeholders, Copyholders, Lessees, or Assignees of Leases of any Lands, Tenements, or Hereditaments of the annual Value of *Fifty* Pounds or upwards, and if such Persons shall not in all be so numerous as to furnish a competent Number of Persons out of whom a Special Jury Panel may conveniently be formed as herein-after provided, then a sufficient Number of such other Persons whose Names are contained in the said "General List of Jurors" as shall, in respect of Rank and Property, be most eligible to make up a competent Number for the Purpose aforesaid, and which List shall be according to the like Form and contain the like Particulars in every respect as the said "General List of Jurors," and such List shall, when so made out and printed, be called the "List of Special Jurors," and shall be kept in like Manner and shall be open to the like Inspection as is herein-before provided respecting the said "General List of Jurors."

Revision of Lists by Parliamentary Revision Court.
13 & 14 Vict. c. 69. ss. 46, 47.
3 & 4 W. 4. c. 91. s. 9.
8 & 9 Vict. c. 67. ss. 1, 2, 3.

15. The Clerk of the Peace of every County in Ireland shall, between the *Eighth Day of September* and the *Twenty-fifth Day of October* inclusive in every Year, bring the "General List of Jurors" and the "List of Special Jurors" so prepared as aforesaid before the Court or One of the Courts to be holden during the said Period within such County for the Revision of the Register of Parliamentary Voters for such County; and of the Time and Place of holding such Court every such Clerk of the Peace shall give previous Notice by Advertisement in One or more public Newspapers circulating within such County; and such Clerk of the Peace, and also all Clerks of Poor Law Unions and the Collector General of Rates for the City of Dublin, and other Persons who shall have taken part in preparing any of the said Lists, shall attend the said Court, and every lawful Adjournment thereof, and shall answer upon Oath all such Questions as shall be put to them by the Chairman or Barrister presiding in such Court touching anything done by them in execution of the Provisions of this Act; and such Chairman or Barrister shall at the said Court, or at some lawful Adjournment thereof, revise the said "General List of Jurors" and "List of Special Jurors," and shall, upon sworn Testimony or any other Evidence satisfactory to such Chairman or Barrister, amend the said Lists by removing therefrom the Name of every Man whose Name shall appear therein respectively who shall be exempted or shall not be qualified under this Act, or who in the Opinion of such Chairman or Barrister shall not be eligible to make up, together with the Persons specially qualified under Section Fourteen of this Act, a competent Number of Persons out of whom a Special Jury Panel may conveniently be formed, or who from any Cause shall be unfit to serve as a Juror, and by inserting therein the Name of every Man whose Name shall not appear in the said Lists respectively, but who shall be qualified and liable to serve under this Act, and by correcting and supplying all Errors and Omissions which shall be found in either of the said Lists; and when the said Lists shall have been so revised and amended the Chairman or Barrister who shall have revised the same shall sign each of the said Lists at the Foot of the last Page thereof, and shall deliver the same to the Clerk of the Peace of the County, who shall place the same among the Records in his Office, and shall allow the same to be inspected at all reasonable Times without Hindrance, Fee, or Reward.

Preparation of "Jurors Book" and "Special

16. The Clerk of the Peace of every County in Ireland shall, on or before the *First Day of December* in every Year, cause to be printed a complete and true Copy of each of the said Lists, so revised and signed as aforesaid (each of said Copies to be printed in a separate Book), that is to say, of the "General List of Jurors" and of the "List of Special Jurors," and shall certify each of the said Books under his Hand, signed at the Foot thereof, to be a complete and true Copy of each of the said Lists respectively, and shall on or before the First Day of December in every Year deliver such Books so certified and signed to the Sheriff of the County; and the said Books shall be respectively called "The Jurors Book" and "The Special Jurors Book" for the Year for which each Book is to be in use; and every Book so prepared shall be brought into use on the First Day of Hilary Term next after it shall have been so delivered by the Clerk of the Peace to the Sheriff, and shall be used until the *First Day of Hilary Term* of the Year next following, and thenceforward until a new Book shall have been in like Manner made and delivered as aforesaid instead thereof; and every Sheriff on quitting his Office shall deliver all the said Books to the succeeding Sheriff: Provided always, that the Books in use at the Commencement of the Sittings of any Court of Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, shall be used until the End of the same Sittings of any of the Courts aforesaid.

Jurors Book." 3 & 4 W. 4. c. 91. ss. 9. 24.

Correction of "Jurors Books" and "Special Jurors Books." 8 & 9 Vict. c. 67. s. 4.

17. If any "Jurors Book" or "Special Jurors Book" shall be found to contain any Name which ought not or to omit any Name which ought to appear therein, it shall be lawful for Her Majesty's Court of Queen's Bench in Dublin, or for any Judge of the said Court, upon Complaint thereof, made upon Oath of the Fact by any Person whomsoever, to order any or every Sheriff, Clerk of the Peace, or Clerk of a Union, or any or every other Person or Persons who shall have prepared or taken part in preparing such "Jurors Book" or "Special Jurors Book" to attend in Person before such Court or Judge, and then to produce all or any Documents in the Custody, Possession, or Procurement of any such Person which such Court or Judge shall require; and if upon Inspection of the said "Jurors Book" or "Special Jurors Book," and Examination of the said Persons and Documents, or any of them, any Defect or Defects, Error or Errors, shall be found in the said "Jurors Book" or "Special Jurors Book," the said Court or Judge shall order the same to be corrected or amended, and such Correction or Amendment shall be forthwith made and signed in such "Jurors Book" or "Special Jurors Book" by the Sheriff, in the Presence of the Court or Judge ordering the same; and if any such Person as aforesaid shall fail to attend when so ordered, or to produce any Documents required as aforesaid, or if upon such Inspection or Examination as aforesaid any such Defect or Defects, Error or Errors, shall be proved to the Satisfaction of such Court or Judge to have been caused by the wilful Act or Default or by the culpable Negligence of any One or more of the said Persons, it shall be lawful for such Court or Judge, in a summary Way, to set any Fine not exceeding *Twenty-five Pounds* for each Defect or Error so caused as aforesaid upon every Person wilfully or culpably causing such Defect or Error as aforesaid, and to direct such Fine to be applied in Payment of the Costs of the Person or Persons who shall have complained of the same, or otherwise in such Manner as the Court or Judge inflicting the Fine shall think fit.

Presentment of Expenses.
8 & 9 Vict. c. 67. s. 6.

18. It shall be lawful for the Grand Jury of every County, and for every Town Council empowered to make Presentments, as the Case may be, from Time to Time, at the next ensuing Assizes or Presenting Term, and they are hereby required, without previous Application at Presentment Sessions or otherwise, to present all such Sums of Money as they shall deem reasonable and necessary for defraying the Expense of any Printing done in pursuance of this Act, and any other Expenses attending the Execution of this Act.

General Precept for the Return of Jurors.
3 & 4 W. 4. c. 91. s. 10.
16 & 17 Vict. c. 113. ss. 109, 110. 112.

19. No Jury Process shall henceforth be necessary in any Case whatsoever, but it shall be lawful and sufficient for the Judge or any One of the Judges of any Court, other than a Court of General Sessions of the Peace, and for any Two Justices of a Court of General Sessions of the Peace before which the Attendance of Jurors shall be required, Fifteen Days at the least before the First Day upon which such Attendance shall be required, to issue a Precept for the Return of Jurors, under the Hand of such Judge or Justices, to the Sheriff or other Officer to whom the Return of Jurors shall belong, and from whose Bailiwick or Jurisdiction the Attendance of Jurors shall be required; and such Precept shall command the Sheriff or other Officer to whom the same shall be issued to summon and return on a Day or Days to be named therein, or from Day to Day after a Day or Days to be named therein, as Occasion shall require, a competent Number of good and lawful Men of the Body of the County qualified according to Law, and shall not require the same to be returned from any particular Venue within the County; and whenever the Attendance of Special Jurors shall be required before any such Court, such Precept shall further direct the Sheriff or other Officer to whom the same shall be issued to summon and return a sufficient Number to be named therein of good and lawful Men of the Body of the County, qualified according to Law to serve as Special Jurymen; and every such Sheriff or other Officer shall, pursuant

Precept for the Return of Special Jurors.

to such Precept, and without any other Authority, summon and return all such Men as he shall be so required to summon and return in manner herein-after provided; and the Men so summoned and returned shall be qualified and liable to serve upon all Juries sworn or impanelled to try any Issue or Issues whatsoever which may come on for Trial before such Court, subject to all just Challenges and Objections.

General Precept for Courts of Common Law at Dublin. 16 & 17 Vict. c. 113. s. 111.

20. Provided always, That it shall be lawful and sufficient for any One Judge of any of the Superior Courts of Common Law at Dublin, Fifteen Days at the least before the Commencement of each Term, to issue One general Precept for the Return of Jurors, under his Hand, to the Sheriffs of the County of Dublin and County of the City of Dublin respectively, commanding each of the said Sheriffs respectively to summon and return a sufficient Number of Common Jurors, and a Number to be named therein of Special Jurors for the Trial of all Issues in the Superior Courts of Common Law and Consolidated Court of Nisi Prius which may come on for Trial in any of the said Courts during such Term, or the Sittings after such Term; and the said Sheriffs respectively shall, pursuant to such Precept, and without any other Authority, summon and return a sufficient Number of such Jurors accordingly in manner herein-after provided; and the Men so summoned and returned shall be qualified and liable to serve upon all Juries sworn or impanelled to try any Issue or Issues whatsoever which may come on for Trial before any of the said Courts during such Term, or the Sittings after such Term, subject to all just Challenges and Objections.

Saving of Powers of Courts to order Return of Jurors as heretofore. 3 & 4 W. 4. c. 91. s. 15.

21. Provided always, That nothing herein contained shall be construed to prevent any Court before which the Attendance of Jurors shall be required from having and exercising any and every Power and Authority which such Court might heretofore have or exercise, in issuing any Writ or Precept, or in making any Award or Order, orally or otherwise, for the summoning and Return of any Juror or Jurors for the Trial of any Issue or Issues before such Court, or for quashing, amending, enlarging, or otherwise dealing with any Panel of Jurors returned to such Court; and the Return to every such Writ, Precept, Award, or Order, and all Proceedings thereon, shall be made and had as heretofore accustomed, save and except that all Jurors shall be qualified according to this Act, and shall be returned from the Body of the County, and not from any particular Venue within the County.

Trial by Special Jury. 3 & 4 W. 4. c. 91. s. 23. 16 & 17 Vict. c. 113. ss. 112, 113.

22. It shall be lawful for any of Her Majesty's Superior Courts in Ireland, or for any Judge of any of the said Courts, upon Motion made on behalf of the Queen, or upon Motion of any Prosecutor, Relator, or Traverser, in any Criminal Case, or on any Penal Statute (except Indictments for Treason or Felony), depending in any of the said Courts, to order any Issue joined in any of the said Cases, and triable by a Jury, to be tried by a Special Jury; and the Plaintiff in any Action except Replevin shall be entitled to have the Cause tried by a Special Jury, upon giving Notice in Writing to the Defendant, at such Time as shall be necessary for a Notice of Trial, of his Intention that the Cause shall be so tried, and the Plaintiff in an Action of Replevin, and the Defendant in other Cases, shall be so entitled on giving the like Notice within Six Days before the First Day of the Assizes or Sittings of the Court respectively; provided always, that the Court or Judge may at any Time order that a Cause shall be tried by a Special Jury upon such Terms as they or he shall think fit.

Remedy for Delay by Notice of Trial by Special Jury. 16 & 17 Vict. c.113. s. 114.

23. Where a Defendant in any Cause, or Plaintiff in an Action of Replevin, gives Notice of his Intention to try the Cause by a Special Jury, the Court or a Judge, if satisfied that such Notice is given for the Purpose of Delay, may order that the Cause be tried by a Common Jury, or make such other Order as to the Trial of the Cause as such Court or Judge shall think fit.

View to be by Rule. 16 & 17 Vict. c. 113. s. 116.

24. A Writ or Clause of View shall not be necessary or used, but it shall be sufficient to obtain a Rule of Court or a Judge's Order, directing the Sheriff, when the View is to be had by a Common Jury, to have Six or more of the Jurors named in the Common Jury Panel, and when the View is to be had by a Special Jury, to have Six or more of the Twenty-four Jurors named in the reduced List from which the Special Jury, to try the Issue in the Cause, is to be selected as herein-after provided, chosen by Consent, or if the Parties cannot agree, nominated by the proper Officer at the Place in question, some convenient Time before the Trial; and the Viewers shall have the Place shown to them by Two Persons to be named in the Order, and to be appointed by the Court or Judge, and the Sheriff upon Request shall deliver to either Party the Names of the Viewers, and shall also return their Names to the Registrars, for the Purpose of their being called as Jurymen upon the Trial.

Sheriff shall apply for Precepts.

25. Every Sheriff within whose Bailiwick any Court shall be appointed to be held, before which the Attendance of Jurors may be required, shall apply for and procure to be issued in sufficient Time before the Time appointed for holding such Court, all such Precepts as shall be necessary for commanding the Return of Jurors before such Court; and immediately after the Issue of any such Precept the Sheriff or other Officer to whom the same shall be issued shall, according to the Exigency of such Precept, select a sufficient Number of Names from the Jurors Book, and return the prescribed Number of Names from the Special Jurors Book, and prepare Panels thereof; and where any Precept for the Return of Jurors shall be issued to any Coroner, Elisor, or other Officer, he shall have free Access to the Jurors Book and Special Jurors Book for the current Year or for the preceding Year, as he may require; and no Sheriff or other Officer shall, in answer to any Precept for the Return of Common or Special Jurors, return the Name of any Person not contained in the Jurors Book or Special Jurors Book respectively for the Year then current: Provided always, that if there shall be no Jurors Book or Special Jurors Book respectively in existence for such current Year, it shall be lawful for any such Officer to return Jurors from the Jurors Book and Special Jurors Book respectively for the next preceding Year; and if any Person whose Name shall not be contained in such Jurors Book or Special Jurors Book respectively shall be returned and sworn as a Juror, and any Trial shall proceed and Verdict be found without any Objection to such Person, such Trial shall not be deemed a Mistrial, nor shall the Verdict thereon be impeached or questioned on account of the Return of such Juror.

16 & 17 Vict. c. 113. s. 111.

Returning Officers to have Access to Jurors Books, and all Names to be returned from the Jurors Book. 3 & 4 W. 4. c. 91. s. 11.

26. In the County of Dublin and in the County of the City of Dublin the Sheriff or other Officer, in obedience to any Precept for the Return of Jurors for the Trial of Issues in Civil Cases, shall select, so far as may be practicable, the Names of such Persons only as shall not have been summoned, and shall not have attended as Jurors, for the longest Period before the Time of such Selection; and at the Time of making such Selection the Sheriff or other Officer making the same shall inscribe in the Book from which such Selection shall be made, opposite to the Name selected by him, the Date of such Selection.

In County of Dublin and County of the City of Dublin, Names to be selected of Jurors who have not recently served.

27. Ten Days before the Day or the first or earliest Day named in such Precept, the Sheriff or other Officer shall make Panels containing the Christian Names and Surnames, Places of Abode, and Additions of the Persons so selected, and keep the same in his Office, and shall lodge a Copy of the Special Jury Panel printed on Parchment with the Master of each of the Superior Courts of Common Law in Dublin; and printed Copies of such Panels or

Jury Panels. 16 & 17 Vict. c. 113. s. 109.

Panel respectively shall be provided by such Sheriff or other Officer, and on Payment of a Fee of One Shilling shall be delivered to the Parties in all Civil Causes to be tried in the Court before which such Jurors shall be summoned to attend.

Summoning of Jurors.
3 & 4 W. 4. c. 91. s. 18.

28. Every Man named on every such Panel shall be summoned by the proper Officer Six Days at least before the Day on which the Attendance of such Man shall be required, by showing to the Man summoned, or in case he shall be absent from his usual Place of Abode, by leaving with some Person there inhabiting a Note in Writing under the Hand of the Sheriff or other Officer, containing the Substance of such Summons, with the Time and Place at which the Attendance of such Man shall be required; and every Officer summoning Jurors under this Act shall keep a Book or Books, in which he shall truly enter the Name of every Person so summoned by him, with the Day on which such Summons shall be served, and the Manner and Particulars of the Service thereof; and every such Officer shall attend, and shall (if required) produce such Book or Books at the Sitting of the Court, and verify the same upon Oath, or shall cause such Book or Books to be produced to the Court in case of the unavoidable Absence of such Officer; and in case of the Death, Illness, or unavoidable Absence of such Officer, the Book of such Officer, kept by him as aforesaid, verified on Oath as to his Handwriting by some credible Person, shall (if required) be produced to the Court, and shall be primâ facie Evidence of the Truth of the several Matters entered therein as aforesaid; and if any such Officer shall, without reasonable Excuse, neglect to summon any Juror as herein-before directed, or to keep such Book, or to make such Entries therein as aforesaid, or to attend the Court, or produce or verify, or cause to be produced, the said Book, as herein-before provided, every Officer so offending may for every such Neglect be fined by the Court in a summary Way in any Amount not exceeding *Ten* Pounds for each such Offence, with the Alternative of Imprisonment in default for any Period not exceeding Seven Days.

Books of Summonses to be kept.
14 & 15 Vict. c. 57. s. 19.

Fine on Jurors making default.
3 & 4 W. 4. c. 91. s. 32.

29. If any Man having been duly summoned to attend as a Juror before any Court shall not attend in pursuance of such Summons, or being twice called shall not answer to his Name, or if any such Man, or any Talesman, after having been called, shall be present but not answer, or after answering shall wilfully withdraw himself from the Court, the Court may set such Fine, not exceeding *Fifty* Pounds, upon every such Man or Talesman so making default as to the Court shall seem meet, unless some sufficient Excuse shall be proved by Oath or Affidavit: Provided always, that when any Viewer, having been duly chosen and summoned according to Law, shall make any such Default as aforesaid, the Court shall, in a summary Way, set upon such Viewer a Fine not less than *Five* Pounds, and as much more as the Court shall think proper, unless some sufficient Excuse shall be proved as aforesaid.

16 & 17 Vict. c. 113. s. 116.

Balloting for Jurors in Civil Cases. 3 & 4 W. 4. c. 91. s. 19.

30. The Name of each Man who shall be summoned and returned as a Common Juror for the Trial of any Issue of a Civil Nature in any Court, with the Place of his Abode and Addition, shall be written on a distinct Piece of Card, such Pieces of Card being all as nearly as may be of an equal Size, and the said Pieces of Card shall be delivered to the Registrar of the Judge before whom such Issue is to be tried, by the Sheriff or other Officer returning the Jurors, and he shall, by Direction of such Registrar, put the Cards with the Names of the Common Jurors into a Box, to be provided for that Purpose, and such Registrar shall in open Court draw out of the Common Jury Box Twelve of the said Cards, one after another, after having shaken them together, or in any Case where a View shall have been directed and had according to Law, so many as, together with the Viewers who shall appear and be sworn, shall be sufficient to make up the Number of Twelve; and if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged and set aside, then a further Number until Twelve Men, or such other Number as, together with such Viewers so appearing and sworn as aforesaid, shall make up the Number of Twelve, be drawn, who shall appear, and who, after all just Causes of Challenge allowed, shall remain as fair and indifferent.

16 & 17 Vict. c. 113. s. 116.

Master of Court to appoint Time and Place for nominating Special Jury. 3 & 4 W. 4. c. 91. s. 25.

Nomination of Special Jury. 3 & 4 W. 4. c. 91. s. 25. 16 & 17 Vict. c. 113. s. 112.

31. When any Issue is to be tried by a Special Jury, the Officer of the Court in which such Issue is to be tried shall appoint a Time and Place for the Nomination of such Special Jury, and shall write the Name of each Man who shall be summoned and returned on the Special Jury Panel which shall have been lodged with the Master of the said Court, with the Place of his Abode and Addition on a distinct Piece of Card, such Pieces of Card being all as nearly as may be of an equal Size, and shall, in the Presence of all the Parties or of their Attorneys, or if the said Parties or the said Attorneys, all or any of them, do not attend, then, in their Absence, put all the said Cards into a Box to be provided for that Purpose, and after having shaken them together shall draw out of the said Box Forty-eight of the said Cards, one after another, and shall, as each Card is drawn, read out the Name written thereon, and if at the Time of so reading any Name either Party or his Attorney shall object that the Man whose Name shall have been read is dead or abroad, or from mental or bodily Infirmity, or other like Cause, is incapacitated from serving on such Jury, and shall prove the same to the Satisfaction of the said Officer, such Name shall be set aside, and the said Officer shall instead thereof draw out of the said Box another Card, and shall in like Manner read the Name thereon, which Name may be in like Manner set aside, and other Cards and Names shall in every such Case be resorted to, according to the Mode herein-before described, until the whole Number of Forty-eight Names, not liable to be set aside, shall be completed, and the said Officer shall afterwards make out for each Party a List of the Forty-eight Names in the Order in which they shall have been drawn as aforesaid, together with their respective Places of Abode and Additions; and all the subsequent Procedings for reducing the said List of Forty-eight, and all other Matters whatsoever relating to Special Juries, shall be according to the Mode used and accustomed before the passing of an Act of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, Chapter Ninety-one, intituled "An Act for consolidating and amending the "Laws relative to Jurors and Juries in Ireland," except where the same or any Part thereof is expressly altered by this Act: Provided always, that in any Case where a View shall have been directed and had according to Law, so many of the Viewers as shall appear shall be of the Jury to try the Cause; and provided also, that if from Want of Time or any other Cause a Special Jury shall not have been struck in manner aforesaid, it shall be lawful for the Judge of the Court in which such Issue is to be tried to order a Special Jury to be chosen from the Special Jury Panel, lodged as aforesaid, by Ballot, in the Manner by this Act provided for the choosing of a Common Jury.

Juries may try several Issues.
3 & 4 W. 4. c. 91. s. 26.

32. The Twelve Men so chosen to serve as a Common or Special Jury respectively, their Names being marked in the Panel, and they being sworn, shall be the Jury to try the Issue, and the Cards, with the Names of the Men so drawn and sworn, shall be kept apart by themselves until such Jury shall have given in their Verdict and the same shall be recorded, or until such Jury shall, by the Consent of the Parties or by Order of the Court, be discharged, and then the said Cards shall be returned to the proper Boxes respectively, there to be kept with the other Names remaining at that Time undrawn, and so toties quoties as long as any Issue remains to be tried: Provided always, that if any Issue shall be brought on to be tried in any of the said Courts before the Jury in any other Issue shall have brought in their Verdict or been discharged, it shall be lawful for the Court to order a Jury to be chosen as aforesaid for the Trial of same from amongst the Common Jurors or Special Jurors (as the Case may be) other than those engaged in the Trial of such other Issue: Provided also, that where both Parties shall consent thereto it shall be lawful for the Court to order the Trial of any Issue by the same Jury that shall have previously tried or been drawn to try any other Issue, without their Names being returned to the Box and redrawn.

Name not being on Jurors Book, good Ground of Challenge. 3 & 4 W. 4. c. 91. s. 21.

33. The Fact that the Name of any Man returned as a Common or Special Juror is not on the Jurors Book or Special Jurors Book respectively shall be a good Cause of Challenge to any Man so returned before any Court, and any such Man shall be discharged upon such Cause of Challenge being proved, but it shall lie upon the Person challenging to prove the Fact; and the Production of the Jurors Book and Special Jurors Book respectively, duly certified and signed as aforesaid, shall be conclusive Evidence, as against all Parties to any Issue or Issues, Civil or Criminal, triable in any of Her Majesty's Courts, and to be tried by any Jurors whose Names shall have been returned out of any such Jurors Book or Special Jurors Book, that such Books respectively have been duly prepared in accordance with this Act; and the Fact that the Name of any Man returned as a Common or Special Juror out of any Jurors Book or Special Jurors Book respectively is on such Book shall be conclusive Evidence that such Man is duly qualified as a Common or Special Juror, as the Case may be, unless it shall be proved that such Man is disqualified under the Eighth Section of this Act; and the Fact that any Man returned as a Common or Special Juror as aforesaid answers to his Name when called shall be conclusive Evidence that such Man is sufficiently and truly described upon the Jurors Book, Special Jurors Book, and Panel, and has been duly summoned, unless it shall be proved to the Satisfaction of the Court that the Person answering is not the Person whose Name is contained in the Jurors Book or Special Jurors Book, and returned upon the Panel, and no Challenge shall be taken to the Array of any Panel for Want of a Knight's being returned therein.

3 & 4 W. 4. c. 20.

Costs of Special Jury. 3 & 4 W. 4. c. 91. s. 27.

34. The Party who shall apply for a Special Jury in any Case whatsoever, whether Civil or Criminal, shall pay all the Expenses occasioned by the Trial of the Cause by the same, and shall not have any further or other Allowance for the same upon Taxation of Costs than such Party would be entitled to in case the Cause had been tried by a Common Jury, unless the Judge before whom the Cause is tried shall, immediately after the Trial, certify under his Hand, upon the Back of the Record, that the same was a

4 & 5 Vict. c. 105. s. 60.

Cause proper to be tried by a Special Jury; and this Section and everything therein contained shall apply to Cases in which the Plaintiff shall be nonsuited as well as to Cases in which a Verdict shall pass against him.

Tales de circumstantibus.
3 & 4 W. 4. c. 91. s. 28.

35. Where a full Jury shall not appear before any Court in any Criminal Prosecution properly triable in such Court, or in any Suit or Action, or where, after Appearance of a full Jury, by Challenge of any of the Parties, or Excuse upon sufficient Ground by the Court, the Inquest is likely to remain untaken or the Suit or Action to remain untried for Default of Jurors, every such Court, upon Request made for the Queen by any One thereto authorized in any Criminal Case (except only Indictments for Treason or Felony), or on Request made by the Parties, Plaintiff or Defendant, or their respective Attorneys, in any Action or Suit, shall command the Sheriff or other Officer to whom the Return of Jurors shall belong to name and appoint, as often as Need shall require, Twelve other good and lawful Men of the County then present, or who can be found to serve on such Jury; and such Sheriff or other Officer shall, at such Command of the Court, return Twelve such Men, duly qualified according to this Act, who shall be present, or can be found to serve on such Jury, and shall add and annex their Names to the former Panel: Provided that where a Special Jury shall have been struck for the Trial of any Issue, the Talesmen shall be such as shall be empannelled upon the Common Jury Panel to serve at the same Court, if a sufficient Number of such Men can be found; and the Names of the Persons so to be named, with their Places of Abode and Additions, shall be written on several distinct Pieces of Card, being all as nearly as may be of an equal Size, and shall be delivered to the Clerk or Registrar of the Court or Judge before whom such Issue is to be tried, by such Sheriff or other Officer, and shall, by the Direction and Care of such Clerk or Registrar, be put together in a Box and shaken together, and shall be drawn out one after another until a Number shall appear which shall be sufficient, with those of the original Panel who appear, to make up the Number of Twelve, who shall be the Jury to try the Issue; and the Queen, by any One so authorized as aforesaid, and all and every the Parties aforesaid, shall and may, in each of the Cases aforesaid respectively, have their respective Challenges to the Jurors so newly added and annexed, and the Court shall proceed to the Trial of every such Issue with those Jurors who were before empannelled together with the Talesmen so newly added and annexed, as if all the said Jurors had been returned upon the Panel originally returned to try the Issue.

Certain Provisions of 6 G. 4. c. 51. rendered applicable to Indictments found by Term Grand Juries in Her Majesty's Court of Queen's Bench in Ireland.

36. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled "An "Act for the Amendment of the Laws with respect to Special "Juries, and to Trials in Counties of Cities and Towns and Towns "Corporate, in Ireland," it is amongst other things enacted, that in every Action, whether the same be transitory or local, which shall be prosecuted or depending in any of His Majesty's Courts of Record in Dublin, and in every Indictment removed into His Majesty's Courts of King's Bench in Dublin by Writ of Certiorari, and in every Information filed by His Majesty's Attorney or Solicitor General in Ireland, or by Leave of the Court of King's Bench in Ireland, and in all Cases where any Person or Persons shall plead to or traverse any of the Facts contained in the Return to any Writ of Mandamus in Ireland, if the Venue in such Action, Indictment, or Information be laid in any County of a City, County of a Town, or Town Corporate within Ireland, or if such Writ of Mandamus be directed to any Person or Persons, or Body Politic or Corporate, in Ireland, it shall and may be lawful for the Court in which such Action, Indictment, Information, or other Proceeding shall be depending, at the Prayer and Instance of any Prosecutor or Plaintiff, or of any Defendant, to direct the Issue or Issues joined in such Action, Indictment, Information, or Proceeding to be tried by a Jury of the County next adjoining to such County of a City, County of a Town, or Town Corporate, and to award proper Precepts accordingly, if the said Court shall think fit and proper so to do: And whereas it is expedient that the said Provisions of the said last-mentioned Act should be applied to Indictments found by Term Grand Juries of the County or County of the City of Dublin, in Her Majesty's Court of Queen's Bench in Ireland: Be it therefore enacted, That so much of the said Act of the Sixth Year of the Reign of King George the Fourth as is herein-before specified shall apply and extend to and include any Indictment found by any Term Grand Jury of the County of Dublin or of the County of the City of Dublin in Her Majesty's Court of Queen's Bench in Ireland, in like Manner, to all Intents and Purposes, as in the Case of an Indictment removed into the said Court by Writ of Certiorari.

Power to send Juries to the adjoining County for the Night.

37. Where any Jury shall be empannelled and sworn to try any Issue of Treason or Felony in the Court-house of any County, which Court-house shall be situate within or shall adjoin a different County, if it shall become necessary to keep such Jury together for any Night or Nights, it shall be lawful for the Court to direct that such Jury shall be taken for the Night to any convenient Place to be named by the Court, within such surrounding or adjoining

County; and such Jury, in going to, remaining at, and returning from such Place, shall be kept in the like Custody, and treated in all respects in the same Manner, and all Officers intrusted with the Duty of keeping such Jury together shall have the same Powers, as if such surrounding or adjoining County formed Part of the County to which such Court-house shall belong.

Sheriff indemnified for returning Names contained in Jurors Book.
3 & 4 W. 4. c. 91. s. 33.
Fines imposed on Sheriffs and other Officers for Misconduct.

38. Every Sheriff and other Officer to whom the Return of Jurors shall belong shall be and is hereby indemnified for empannelling and returning any Man named in the Jurors Book or Special Jurors Book, although he may not be qualified or liable to serve on Juries; and if any such Sheriff or other Officer shall wilfully empannel and return any Man to serve on any Jury before any of the Courts herein-before mentioned (except on the Grand Jury at any Assizes or Sessions), such Man's Name not being inserted in the Jurors Book or Special Jurors Book for the current Year, or if such Book has not been delivered, then in the Book last delivered, or if any Officer of any of the Courts in this Act mentioned shall wilfully record the Appearance of any Man so summoned and returned who did not really appear, in every such Case the Court may, upon Examination in a summary Way, set such Fine upon such Officer offending as the Court shall think meet.

No Money to be taken by any Officer to excuse Persons from serving.
3 & 4 W. 4. c. 91. s. 34.
None to be summoned but those named in the Warrant.
Penalties for Neglect or Misconduct.

39. No Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer or Person whomsoever shall directly or indirectly take or receive any Money or other Reward, or Promise of Money or Reward, or any Consideration whatsoever, or the Promise of any Consideration, to excuse any Man from serving or from being summoned to serve on any Jury, or under any such Colour or Pretence; and no Bailiff or other Officer appointed to summon Jurors shall summon any Man to serve thereon other than those whose Names are specified in a Warrant or Mandate signed by the Sheriff or other Officer to whom the Return of Jurors shall belong and directed to such Bailiff or other Officer; and if any Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer shall wilfully transgress in any of the Cases aforesaid, or shall neglect to summon any Juror, or shall summon any Juror less than Four Days before the First Day on which he is to attend, except in the Cases herein-before excepted, the Court within whose Jurisdiction the Offence shall have been committed may and is hereby required, on Examination, and Proof of such Offence in a summary Way, to set such a Fine upon every Person so offending as the Court shall think meet, according to the Nature of the Offence, and to award such Term of Imprisonment not exceeding *Three* Months, in default of paying such Fine, as the Court shall think meet.

40. If any Clerk of a Poor Law Union, or the Collector-General of Rates for the City of Dublin, shall refuse or neglect (unless prevented by Sickness) to prepare or assist in preparing any List required by this Act, so that the same shall not be made out at the Time and in the Manner herein-before directed, or shall wilfully omit from such List the Name of any Man whose Name ought to be inserted therein, or shall wilfully insert therein the Name of any Man whose Name ought to be omitted therefrom, or shall falsely state or wilfully omit to state any Cause of Exemption or Disqualification affecting any Man in such List, or shall take any Money or Reward, or Promise of Money or Reward, or other Consideration, for omitting or inserting any Name or Cause of Exemption or Disqualification whatsoever, or shall wilfully insert therein a wrong Description of the Name, Place of Abode, Title, Quality, Calling, or Business, or of the Nature or Amount of the Qualification of any Man, or shall refuse or wilfully neglect, in case the Number of Forms of Returns delivered by the Clerk of the Peace shall be insufficient, to apply to the Clerk of the Peace for a sufficient Number, so that the said Lists may be made out at the Time and in the Manner herein-before directed, or shall refuse to allow any Inhabitant of the District of such Clerk or Collector-General to inspect such List, or a true Copy thereof, gratis, at any reasonable Time, or shall on due Notice refuse or wilfully neglect to produce such List before any such Court as aforesaid, or to answer on Oath such Questions touching the same as shall there be put, or to attend before such Court as aforesaid, every such Person offending in any of the foregoing Cases shall for every such Offence forfeit a Sum not exceeding *Fifty* Pounds nor less than *Forty* Shillings, at the Discretion of the Court or Judge before whom he shall be convicted, and the Court or Judge before whom such Offender shall be convicted of any such Offence of wrongful Insertion or Omission shall forthwith, in Writing under his Hand, certify the same to the Clerk of the Peace of the County, City, or Town in which the Man or Men whose Name or Names shall have been so wrongfully omitted or inserted shall reside, and the said Clerk of the Peace shall cause the List in which such wrongful Insertion or Omission shall have occurred to be corrected according to such Certificate, and shall also give Notice thereof to the Sheriff, who shall correct the Jurors Book accordingly.

Penalties for Neglect to prepare Lists, &c.
3 & 4 W. 4. c. 91. s. 35.

41. If any Clerk of the Peace shall refuse or wilfully neglect to cause a sufficient Number either of Precepts or Forms of Return to be printed in the Manner herein-before directed, or shall refuse or wilfully neglect to issue and deliver to any Clerk of a Poor Law Union or to the Collector-General of Rates for the City of Dublin, within

Penalties on Clerks of Peace, Sheriffs, &c. for Neglect.
3 & 4 W. 4. c. 91. s. 36.

within the Meaning of this Act, the Precepts as herein-before directed, or to annex to the same such a Number of the Forms of Return as he shall bonâ fide deem sufficient, or to deliver to any Clerk of a Poor Law Union, or to the said Collector-General, such additional Number thereof as he may apply for, within *Three* Days after such Application, or shall refuse or wilfully neglect to provide or prepare a General List of Jurors and List of Special Jurors, and a Jurors Book and Special Jurors Book, within the Time and in the Manner and Form herein-before prescribed, or to deliver the same to the Sheriff or Under Sheriff within the Time herein-before prescribed, or to give Notice to the Sheriff or Under Sheriff of any wrongful Insertion or Omission certified to him by any Court or Judge as aforesaid, or if any Clerk of the Peace, Sheriff, or Under Sheriff shall make or cause to be made any Alteration whatsoever in the List of Jurors, or in the List of Special Jurors, or Jurors Book, or Special Jurors Book, except in the Cases herein-before provided for, or shall wilfully write or cause to be written in any such List or Book the Name of any Person not qualified to appear therein, or shall wilfully omit thereout the Name of any Person duly qualified to appear therein, or shall neglect or refuse to write or cause to be written the several Names contained in any such Book, upon distinct Pieces of Card, in the Manner and within the Time herein-before prescribed, or shall subtract or destroy or by any Default or Neglect lose any of the said Pieces of Card, or shall wilfully neglect or refuse upon Discovery of such Loss to supply the same within Five Days, or if any Sheriff or Under Sheriff shall refuse or wilfully neglect within Ten Days after the next succeeding Sheriff or Under Sheriff shall have entered upon Office to deliver over to him as well all the Jurors Books and Special Jurors Books which shall be made or prepared in the Year of his Sheriffalty, as also such other like Books as were prepared in the Sheriffalty of any of his Predecessors within Four Years then next preceding, and which were delivered over to him by any of his Predecessors, every such Clerk of the Peace, Sheriff, or Under Sheriff offending in any of the said Cases shall for every such Offence forfeit the Sum of *One hundred* Pounds, one Moiety whereof shall be to the Use of Her Majesty, Her Heirs or Successors, and the other Moiety, with full Costs, to any Person who shall sue for the same by a personal Action in any of Her Majesty's Courts of Record at Dublin.

Qualification of Jurors on Writs of Inquiries, &c.

42. No Man shall be summoned or empannelled to serve as a Juror in any County in Ireland upon any Inquest or Inquiry to be taken or made by or before any Sheriff or Coroner by virtue of any Writ of Inquiry, or by or before any Commissioner or Commissioners appointed under the Great Seal or the Seal of the Court of Exchequer, or by or before any Judge or other Officer of any Court, whose Name shall not be on the Jurors Book or Special Jurors Book in force in each County for the Time being: Provided always, that nothing herein contained shall extend to any Inquest of the Death of any Person to be taken by or before any Coroner by virtue of his Office, or by or before any Justices of the Peace acting in lieu of such Coroner, or to any Inquest or Inquiry to be taken or made by or before any Sheriff or Coroner of any Liberty, Franchise, City, Borough, or Town Corporate, not being a County, but that the Sheriffs, Coroners, and Justices in all Cases to which this Act does not extend as aforesaid shall and may respectively take and make all Inquests and Inquiries by Jurors of the same Description as they have been used and accustomed to do before the passing of this Act.

3 & 4 W. 4. c. 91. s. 40.

This Act not to extend to Coroners Inquests.

Sheriffs and other Officers empowered to fine Jurors 3 & 4 W. 4. c. 91. s. 41.

43. If any Man having been duly summoned and returned to serve as a Juror in any County in Ireland upon any Inquest or Inquiry before any Sheriff or Coroner by virtue of any Writ of Inquiry, or before any of the Commissioners or Masters aforesaid, shall not, after being openly called Three Times, appear and serve as such Juror, every such Sheriff, or in his Absence the Under Sheriff, and every such Coroner, Commissioner, and Master respectively, is hereby authorized and required, unless some reasonable Excuse shall be proved on Oath or Affidavit, in a summary Way to impose such Fine upon every Man so making default as he shall think fit, not exceeding *Five* Pounds; and every such Sheriff, Under Sheriff, Coroner, Commissioner, and Master respectively shall make out and sign a Certificate containing the Christian Name and Surname, the Residence, and Trade or Calling of every Man so making default, together with the Amount of the Fine imposed, and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace or Town Clerk for the Place in which every such Defaulter shall reside, on or before the First Day of the Quarter Sessions next ensuing; and every such Clerk of the Peace and Town Clerk is hereby required to copy the Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Sessions shall be copied, and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions, and Penalties in all respects, as if they had been Part of the Fines imposed at such Quarter Sessions.

Embracery and corrupt Jurors punishable. 3 & 4 W. 4. c. 91. s. 48.

44. Notwithstanding anything herein contained, every Person who shall be guilty of the Offence of Embracery, and every Juror who shall wilfully or corruptly consent thereto, shall and may be respectively proceeded against by Indictment or Information, and be punished by Fine and Imprisonment, in like Manner as every such Person and Juror might have been before the passing of this Act.

Fines to be levied as provided by "Fines Act (Ireland), 1851."

45. All Fines and Penalties incurred or imposed under this Act by any Court shall be levied and recovered and applied as by "The Fines Act (Ireland), 1851," is provided.

Writs of Attaint, &c. against Juries abolished.
3 & 4 W. 4. c. 91. s. 47.

46. From and after the *passing of this Act*, it shall not be lawful either for the Queen or any one on Her Behalf, or for any Party or Parties in any Case whatsoever, to commence or prosecute any Writ of Attaint against any Jury or Jurors for the Verdict by them given, or against the Party or Parties who shall have Judgment upon such Verdict; and that no Inquest shall be taken to inquire of the Concealments of other Inquests, but that all such Attaints and Inquests shall henceforth cease, become void, and utterly abolished; any Law, Statute, or Usage to the contrary notwithstanding.

Commencement of Act.

47. The Parts of this Act relating to the Preparation of Lists of Jurors and Lists of Special Jurors, and the Formation of Jurors Books and Special Jurors Books, and the Delivery thereof to the Sheriffs, shall commence and take effect as soon after the *Thirtieth Day of June* next after the passing of this Act as the proper Periods for doing those Things shall occur, and the rest of this Act shall commence and take effect on the First Day of Hilary Term next after the said *Thirtieth Day of June.*

Jurors Books in use to be continued until new Books prepared.

48. The Jurors Books and Special Jurors Books in use in the several Counties in Ireland at the passing of this Act shall continue to be used until new Jurors Books and Special Jurors Books for the said several Counties respectively shall have been duly prepared, and shall come into use, in pursuance of the Provisions of this Act.

SCHE-

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

Acts and Parts of Acts to be repealed, so far as in the foregoing Act is declared.

Date of Act.	Title of Act.	Extent of Repeal.
No. 1. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King William the Fourth, Chapter Ninety-one.	No. 1. "An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 1. The entire Act.
No. 2. An Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Eight.	No. 2. "An Act to amend an Act passed in the last Session, for consolidating and amending the Laws relating to Jurors and Juries in Ireland."	No. 2. The entire Act.
No. 3. An Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Queen Victoria, Chapter Forty-eight.	No. 3. "An Act to amend Two Acts of the Third and Fourth and Fourth and Fifth Years of His late Majesty King William the Fourth, for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 3. The entire Act.
No. 4. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Queen Victoria, Chapter One hundred and five.	No. 4. "An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland."	No. 4. Section LX.
No. 5. An Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Queen Victoria, Chapter Sixty-seven.	No. 5. "An Act for making further Regulations for more effectually securing the Correctness of the Jurors Books in Ireland."	No. 5. The entire Act.
No. 6. An Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Queen Victoria, Chapter Ninety-one.	No. 6. "An Act to provide for the Collection of Rates in the City of Dublin."	No. 6. Section LXXXVII.
No. 7. An Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Queen Victoria, Chapter One hundred and thirteen.	No. 7. "An Act to amend the Procedure in the Superior Courts of Common Law in Ireland."	No. 7. Sections CIX., CX., CXI., CXII., CXIII., CXIV., CXV., CXVI., CXVII.

SECOND SCHEDULE.

Form A.

Precept for the Return of Lists of Jurors.

County of , [*or*
County of the City of , *or*
County of the Town of , *or*
County of the City of Dublin].

To the Clerk of the Poor Law Union of in the said County, or to the Collector General of Rates for the City of Dublin.

You are hereby required, on or before the First Day of August in this present Year, to prepare a complete and true List in Writing, according to the Form sent herewith, of the Names of all Men rated for the Relief of the Poor within the said Union of who are qualified to serve as Jurors for the said County of that is to say, A complete and true List, containing the Name of every Man who resides within the said County, or who has or uses, for the Purposes of any Trade or Business, any House, Office, Shop, Store, or Place of Business within the said County, who is, either in his own Name or as a Member of a Firm or Copartnership rated in the last Rate made in the said Union for the Relief of the Poor in respect of any Lands, Tenements, or Hereditaments within the said Union and within the said County of the net annual Value of Twenty Pounds or upwards; and you are required to prepare the said List in alphabetical Order of Surnames, and to write the Christian Name or Names and Surname of every Man at full Length, with his true or last known Place of Abode, and the Place of his rated Property, his Title, Quality, Calling, or Business, and the annual Value of his rated Property, in the proper Columns of the Forms sent herewith; and if you have not a sufficient Number of Forms you must apply to me for more; and in preparing the said List you are to state in the Eighth Column of the Forms sent herewith if any such Persons are to your Knowledge above the Age of Sixty Years, or are Peers and Privy Councillors, Judges of any of the Queen's Courts of Record, Clergymen in Holy Orders, Ministers in any Religious Congregation, Sergeants and Barristers-at-Law actually practising or holding and performing the Duties of any Place or Office of Emolument under the Crown, Proctors, Attorneys, and Solicitors actually practising and having duly taken out their annual Certificates, Officers of any of the Queen's Courts or of any Ecclesiastical Court actually performing the Duties of their respective Offices, Recorders, resident Stipendiary Magistrates, Coroners, Gaolers, and Keepers of Houses of Correction actually performing the Duties of their respective Offices, Poor Law Inspectors and Sub-Inspectors, Inspectors and Sub-Inspectors of National Schools, Prisons, and Factories, Medical and Surgical

Practitioners duly registered and actually practising, Apothecaries actually carrying on Business and duly certified by the Court of Examiners of the Governors and Company of the Apothecaries Hall of the City of Dublin or of the City of London, Officers of Her Majesty's Navy or Army on full Pay or on active Service, Persons employed and acting in the Service of the Police, Constabulary, Customs, Excise, or Post Office, Sheriffs, Under Sheriffs, and Sheriffs' Officers, Town Clerks, Parish Clerks, and Clerks of Petty Sessions, or their respective Deputies, County Surveyors, County Treasurers, and Secretaries to Grand Juries, or their respective Deputies, Clerks, and Assistants, Notaries Public, and Commissioners for taking Affidavits for any of the Superior Courts of Law or Equity, Masters of Vessels in actual Employment, and duly licensed Pilots, Persons heretofore exempted by virtue of any Prescription, Charter, Grant, Writ, or Local or Personal Act of Parliament; and you are to state in the Ninth Column of the Forms sent herewith, to the best of your Knowledge, Information, and Belief, whether any of such Persons are Infants under the Age of Twenty-one Years, Persons not natural-born Subjects of the Queen, Persons attainted of Treason or Felony, or convicted of any Crime that is infamous (unless having obtained a free Pardon), or Persons who have at any Time within Seven Years undergone Punishment by Imprisonment for any Criminal Offence, Bankrupts who have not obtained their Certificates, and Insolvent Debtors who have been discharged within Five Years; and when you shall have made out such List you are required to cause a sufficient Number of Copies thereof to be printed, the Expense of which Printing will be allowed you by the County; and you are required, on or before the First Day of August in the present Year, to deliver to me a Copy of such List, signed by you, and with a Declaration at Foot thereof made by you under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths, that the same is a List truly and fully prepared in pursuance of this Precept; and you are further required to attend the Court to be held for the Examination of the said List, of the Time and Place of holding which you shall be previously informed, and there to answer on Oath such Questions as shall be put to you by the Judge of such Court then present touching the said List; and these several Matters you are in no wise to omit, upon the Peril that may ensue.

Given under my Hand, at in the said County, this Day of in the Year .

Clerk of the Peace for the said County of .

Form B.

"The Clerk of the Union's List [*or* List of the Collector General of Rates "for the City of Dublin] of Persons qualified in respect of Rating and "Occupation to serve as Jurors for the County of [*or* for the "County of the City of Dublin], during the Year ."

Poor Law Union of .

No. 1. Consecutive Numbers.	No. 2. Surnames in Alphabetical Order.	No. 3. Christian Names.	No. 4. Places of Abode.	No. 5. Title, Quality, Calling, or Business.	No. 6. Annual rated Value of Property.	No. 7. Place of rated Property.	No. 8. Cause of Exemption.	No. 9. Cause of Disqualification.

Form C.

"The Clerk of the Peace's List of Persons qualified as Freeholders, Copy- "holders, or Leaseholders to serve as Jurors for the County of "during the Year ."

Consecutive Numbers.	Surnames in Alphabetical Order.	Christian Names.	Places of Abode.	Title, Quality, Calling, or Business.	Annual Value of Property as appearing in Register of Parliamentary Voters.	Nature of Property, whether Freehold, Copyhold, or Leasehold.	Place of Property.	Cause of Exemption.	Cause of Disqualification.

Form D.

General List of Jurors *or* List of Special Jurors [*as the Case may be*] } for the County, *or* County of the City, *or* County of the Town [*as the Case may be*] of for the Year .

Consecutive Numbers.	Surnames in Alphabetical Order.	Christian Names.	Place of Abode.	Title, Quality, Calling, or Business.	Annual Value of Property.	Nature of Qualification, Freeholder, Copyholder, Leaseholder, or rated Occupier.	Place of Property.	Cause of Exemption.	Cause of Disqualification.

Petit Juries (Ireland).

A

BILL

To consolidate and amend the Laws relating to Petit Juries in Ireland.

(Prepared and brought in by
Mr. Solicitor General for Ireland and
Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1867.

[Bill 46.]

Under 4 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Laws relating to Petit Juries in Ireland.

WHEREAS it is expedient to consolidate and amend the Laws relating to Petit Juries in Ireland: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Juries Act (Ireland), 1867." Short Title.

2. This Act shall extend to Ireland only. Extent of Act.

3. In this Act and the Schedules annexed hereto the following Words shall be respectively construed as herein-after defined, unless there be something in the Subject Matter or Context repugnant to such Construction or Definition; that is to say: Interpretation of Terms.

The Word "County" shall include a Riding of a County having a separate Commission of the Peace, and also a County of a City and a County of a Town:

The Word "Court" and include each of the Superior Courts of Common Law and Equity, and the Probate Court at

Dublin, and every Court of Assize, Nisi Prius, Oyer and Terminer, and Gaol Delivery, and every General Sessions of the Peace, and every Recorder's Court:

The Word "Judge" shall include every Justice and Commissioner of Assize, Nisi Prius, Oyer and Terminer, and Gaol Delivery, and also every Chairman of Justices presiding at General Sessions of the Peace for any County, and every Recorder, and also every Person duly appointed and acting as Deputy for any of the Judges aforesaid:

The Word "Sheriff" shall include Under Sheriff:

The Words "Clerk of the Peace" and "Clerk of a Poor Law Union" shall include the respective Deputies of the said "Clerk of the Peace" and "Clerk of a Poor Law Union," and any Person duly authorized to discharge the Duties of the said Officers respectively.

Repeal of Acts and Parts of Acts set forth in the First Schedule.

4. From and after the Commencement of this Act, the several Acts and Parts of Acts set forth in the First Schedule hereto annexed, to the Extent to which the same are by the said Schedule expressed to be repealed, shall be and the same are hereby repealed, except as to anything done before the Commencement of this Act, and except as to the Enforcement of any Penalty for any Offence committed before the Commencement of this Act, and except so far as any of the said Acts or Parts of Acts expressly or by Implication repeal any former Act or Acts or Part or Parts of any former Act or Acts.

Qualification of Jurors.

3 & 4 W. 4. c. 91. s. 1.
13 & 14 Vict. c. 69. s. 1.
13 & 14 Vict. c. 69. s. 13.

5. Every Man, except as herein-after excepted, resident in any County in Ireland, who shall be, either in his own Name or as a Member of a Firm or Copartnership, rated for the Relief of the Poor in respect of Lands, Tenements, or Hereditaments within such County of the net annual Value of Twenty Pounds or upwards, or whose Name shall appear in the Register for the Time being of Parliamentary Voters for such County, as a Freeholder or Copyholder, or Lessee or Assignee of a Lease of any Lands, Tenements, or Hereditaments situate within such County, of the net annual Value of Twenty Pounds or upwards, shall be qualified and liable to serve on all Juries for the Trial of all Issues, Civil and Criminal, joined in any Court and triable in the County in which such Man shall reside, and shall also be qualified and liable to serve on all Grand Juries in Courts of Session of the Peace within such County, and on all Inquests and Inquiries duly held within such County under any lawful Writ or Commission, by or before any Sheriff or Coroner, or by or before any Master of, or Commissioner appointed by, any of the Superior Courts of Common Law or Equity, or by or before any Commissioner appointed under the Great Seal, or the Seal of the Court of Exchequer: Provided always, that every Man who shall in his own Name, or as a Member of a Firm or Copartnership, carry on any Trade or Business in any House, Office, Shop, Store, or Place of Business in any County in Ireland shall for the Purposes of this Act be deemed to be resident in such County.

Exemptions. 3 & 4 W. 4. c. 2.

6. All Persons above the Age of Sixty Years; all Peers and Privy Councillors; all Judges of any of the Queen's Courts of Record; all Clergymen in Holy Orders, and Ministers of any Religious Congregation; all Serjeants and Barristers-at-Law, actually practising, or holding and performing the Duties of any Place or Office of Emolument under the Crown; all Proctors, Attorneys, and Solicitors actually practising, and having duly taken out their annual Certificates; all Officers of any of the Queen's Courts, or of any Ecclesiastical Court, or of the Ecclesiastical Commissioners for Ireland, actually performing the Duties of their respective Offices; all Recorders, Resident Stipendiary Magistrates, Coroners, Gaolers, and Keepers of Houses of Correction, actually performing the Duties of their respective Offices; all Poor Law Inspectors and Sub-Inspectors, Inspectors and Sub-Inspectors of National Schools, Prisons, and Factories; all Medical and Surgical Practitioners duly registered and actually practising; all Apothecaries actually carrying on Business, and duly certified by the Court of Examiners of the Governor and Company of the Apothecaries Hall of the City of Dublin or of the City of London; all Officers of Her Majesty's Navy or Army on Full Pay or on active Service; all Persons employed and acting in the Service of the Police, Constabulary, Customs, Excise, or Post Office; all Sheriffs, Under Sheriffs, and Sheriffs Officers; all Town Clerks, Parish Clerks, and Clerks of Petty Sessions, and their respective Deputies; all County Surveyors, County Treasurers, and Secretaries to Grand Juries, and their respective Deputies, Clerks, and Assistants; all Notaries Public, and Commissioners for taking Affidavits for any of the Superior Courts of Law or Equity; all Masters of Vessels in actual Employment, and duly licensed Pilots; all Persons employed and acting in carrying into effect the Acts relating to the Valuation of rateable Property or to the Execution of Public Works in Ireland; and also all Persons heretofore exempted by virtue of any Prescription, Charter, Grant, Writ, or Local or Personal Act of Parliament, shall be absolutely freed and exempted from serving on any Jury or Inquest whatsoever, and the Names of such Persons shall not be inserted in the Jurors Lists or Jurors Books to be prepared by virtue of this Act, as herein-after directed: Provided always, that if the Name of any Person so exempted as aforesaid shall be inserted in any of the said Jurors Lists or Books, and shall not have been removed therefrom as herein-after provided, such Person shall not, if returned upon any Panel, be entitled to claim Exemption from serving on any Jury called from such Panel, or be excused, challenged, or objected to by reason only of being entitled to Exemption as aforesaid.

No Justice to serve as a Juror within his own Jurisdiction at any Sessions of the Peace. 3 & 4 W. 4. c. 91. s. 38.

7. No Justice of the Peace shall be summoned, empannelled, or permitted to serve as a Juror at any Sessions of the Peace, or in any Civil Bill Court or Recorder's Court, within the Jurisdiction of which he is a Justice.

Disqualifications. 3 & 4 W. 4. c. 91. s. 3.

8. All Infants under the Age of Twenty-one Years; all Persons not being natural-born Subjects of the Queen (except in the Cases herein-after expressly provided for); all Persons attainted of Treason or Felony, or convicted of any Crime that is infamous (unless having obtained a free Pardon), or who have at any Time within Seven Years undergone Punishment by Imprisonment for any Criminal Offence; all Bankrupts not having obtained their Certificates, and all Persons discharged within Five Years as insolvent Debtors, shall be disqualified from serving on any Jury or Inquest whatsoever: Provided always, that if any Justice of the Peace in Cases within the Clause next preceding, or if any Person so disqualified as aforesaid, shall be sworn and shall have served upon any Jury or Inquest, and shall not have been objected to by reason of such Disqualification before Verdict, such Verdict shall not thereafter be impeached or questioned by reason of such Person having so served as aforesaid.

Juries de medietate linguæ. 3 & 4 W. 4. c. 91. s. 37.

9. Nothing herein contained shall deprive any Alien indicted or impeached of any Felony or Misdemeanor of the Right of being tried by a Jury de medietate linguæ, but on the Prayer of every Alien so indicted or impeached the Sheriff or other proper Officer shall, by Command of the Court, and within such Time as the Court shall direct, return for One Half of the Jury a competent Number of Aliens, if so many there be in the Town or Place where the Trial is had, and if not then so many Aliens as shall be there found, and no such alien Juror shall be challenged for Want of any Qualification with respect to Property required by this Act, but every such Alien may be challenged for any other Disqualification or any other sufficient Cause.

Clerk of Peace to issue Precept to Clerks of Unions. 13 & 14 Vict. c. 69. s. 20.

10. Between the First Day of June and the First Day of July in every Year a Precept, in the Form A. set forth in the Second Schedule hereto annexed, shall be delivered by the Clerk of the Peace of every County in Ireland, except the County of the City of Dublin, to the Clerk of every Poor Law Union wholly or partly included within such County, and by the Clerk of the Peace of the County of the City of Dublin to the Collector General of Rates for the City of Dublin, requiring each such Clerk and the said Collector General of Rates, respectively, to prepare and return to such Clerk of the Peace on or before the First Day of August next ensuing a complete and true List of all Men rated in the then last Rate made in the said Union and in the said County of the City of Dublin respectively, for the Relief of the Poor in respect of Lands, Tenements, or Hereditaments within such Union, or the Part thereof within such County, and within the said County of the City of Dublin, of the net annual Value of Twenty Pounds or upwards, and of the Cause of Exemption or Disqualification (if there be any known to such Clerk or the said Collector General respectively) affecting any such Man to serve as a Juror within such County, and shall cause a sufficient Number of Forms to be printed according to the Form B. set forth in the Second Schedule hereto annexed, at the Expense of the County, and shall issue and deliver with the said Precept a sufficient Number of the said Forms for the Use of the Persons by whom the same are to be filled up and returned as herein-after provided.

Clerks of Unions to return Lists. 13 & 14 Vict. c. 69. s. 20.

11. The Clerk of every Poor Law Union and the Collector General of Rates in the County of the City of Dublin shall forthwith after the Receipt of such Precept from the Clerk of the Peace, and before the First Day of August in each Year, prepare, in alphabetical Order of Surnames, and consecutively numbered, a complete and true List in the Form B. set forth in the Second Schedule hereto annexed of the Name of every Man rated as aforesaid in respect of Lands, Tenements, and Hereditaments within such Union and County, with his Christian Name and Surname written at full Length, and with the true or last known Place of Abode, and the Title, Quality, Calling or Business, and the net annual Value and Place of the rated Property of each such Man, and of the Cause of Exemption or Disqualification (if there be any known to such Clerk or the said Collector General) affecting any such Man to serve as a Juror within such County, and shall inscribe the same in the proper Columns of the said Forms, and shall on or before the First Day of August next ensuing the Receipt of such Precept as aforesaid deliver the said Forms, with the said List so inscribed thereon, to the Clerk of the Peace of the County, with a Declaration at Foot thereof, made under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths, and signed by every Clerk of any Union and the Collector General of Rates for the City of Dublin, delivering the same, that the same has been fully and correctly prepared from the Rate Books of the Union, in pursuance of the

Provisions of this Act, and that the Cause or Causes stated therein of the Exemption or Disqualification of any Person to serve as a Juror is or are stated truly according to the best Information, Knowledge, and Belief of the Person stating the same, and that such Person is not aware of any Disqualification existing in respect of any Person so returned, save what has been so stated.

Clerk of Peace to prepare List of Jurors from List of Parliamentary Voters. 13 & 14 Vict. c. 69. s. 64.

12. The Clerk of the Peace of every County in Ireland shall, on or before the First Day of August in every Year, prepare, in alphabetical Order of Surnames, and consecutively numbered, a complete and true List in the Form C. set forth in the Second Schedule hereto annexed of the Names of all Persons who shall appear on the then last revised Register of Parliamentary Voters for such County as being Freeholders, Copyholders, Lessees, or Assignees of Leases of any Lands, Tenements, or Hereditaments within such County of the net annual Value of Twenty Pounds or upwards, with their Christian Names and Surnames written at full Length, and with the true or last known Place of Abode, and the Title, Quality, Calling, or Business of each such Person, to the best of his Knowledge, Information, or Belief, and the net annual Value and Place of the Property in respect of which each such Person is registered as a Parliamentary Voter, and of the Cause of Exemption or Disqualification (if there be any known to such Clerk of the Peace) affecting any such Voter to serve as a Juror within such County, and shall make and sign a Declaration at Foot thereof, under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths, that the same has been fully and correctly prepared from the then last revised Registers of Parliamentary Voters for such County, in pursuance of the Provisions of this Act, and that the Place of Abode, Title, Quality, Calling, or Business of each such Person, and the Cause or Causes stated therein of the Exemption or Disqualification of any Person to serve as a Juror is or are stated truly according to the best Information, Knowledge, and Belief of the Person stating the same.

Clerk of the Peace to prepare general List of Jurors.

13. The Clerk of the Peace of every County in Ireland shall, on or before the First Day of September in every Year, cause to be made out and printed from all the said Lists so furnished to and made out by him as aforesaid, one true and complete general List in the Form D. set forth in the Second Schedule hereto annexed, containing the Names, arranged in alphabetical Order of Surnames, and consecutively numbered, of all the Persons contained in the said Lists, with their Christian Names and Surnames written at full Length, and with the true or last known Place of Abode, and the Title, Quality, Calling, or Business, and the net annual Value

Value and Place of the Property of each such Person, and the Cause of Exemption or Disqualification (if any) affecting any such Person; and such general List shall, when so made out and printed, be called the "General List of Jurors," and shall be kept in the Office of the Clerk of the Peace for the County until the same shall be revised as herein-after directed, and shall be open to Inspection therein at all reasonable Times without Hindrance, Fee, or Reward.

Clerk of Peace to prepare "List of Special Jurors."
3 & 4 W. 4. c. 91. s. 24.

14. The Clerk of the Peace of every County in Ireland shall, on or before the Tenth Day of September in every Year, cause a separate List to be made out from the said "General List of Jurors," and to be printed in the Form D. set forth in the Second Schedule hereto annexed, containing the Names, arranged in alphabetical Order of Surnames, and consecutively numbered, of all the Persons contained in the said "General List of Jurors" who, to the best of his Knowledge, Information, and Belief, are Sons of Peers, Baronets, Knights, Magistrates, Persons who have served the Office of Sheriff or Grand Juror at the Assizes, Bankers, wholesale Merchants, Traders who are possessed of personal Property of the Value of Five thousand Pounds, and the eldest Sons of such Persons respectively; and Persons appearing in the said General List as being, either in their own Names respectively or as Members of any Firm or Copartnership, rated for the Relief of the Poor in respect of Lands, Tenements, or Hereditaments of the net annual Value of Fifty Pounds or upwards, or as Freeholders, Copyholders, Lessees, or Assignees of Leases of any Lands, Tenements, or Hereditaments of the annual Value of Fifty Pounds or upwards, and if such Persons shall not in all be so numerous as to furnish a competent Number of Persons out of whom a Special Jury Panel may conveniently be formed as herein-after provided, then a sufficient Number of such other Persons whose Names are contained in the said "General List of Jurors" as shall, in respect of Rank and Property, be most eligible to make up a competent Number for the Purpose aforesaid, and which List shall be according to the like Form and contain the like Particulars in every respect as the said "General List of Jurors," and such List shall, when so made out and printed, be called the "List of Special Jurors," and shall be kept in like Manner and shall be open to the like Inspection as is herein-before provided respecting the said "General List of Jurors."

Revision of Lists by Parliamentary Revision Court.

15. The Clerk of the Peace of every County in Ireland, except the County of the City of Dublin, shall, between the Tenth Day of September and the Twenty-fifth Day of October inclusive in every Year, bring the "General List of Jurors" and the "List of

13 & 14 Vict. c. 69. ss. 46, 47.
3 & 4 W. 4. c. 91. s. 9.
8 & 9 Vict. c. 67. ss. 1, 2, 3.

of Special Jurors" so prepared as aforesaid before the Court or One of the Courts to be holden during the said Period within such County for the Revision of the Register of Parliamentary Voters for such County; and the Clerk of the Peace for the County of the City of Dublin shall, between the said Days, bring the said "General List of Jurors" and "List of Special Jurors," so prepared as aforesaid, before the Court of Quarter Sessions holden during the said Period by the Recorder of the City of Dublin; and of the Time and Place of holding such Court every such Clerk of the Peace shall give previous Notice by Advertisement in One or more public Newspapers circulating within such County; and such Clerk of the Peace, and also all Clerks of Poor Law Unions and the Collector General of Rates for the City of Dublin, and other Persons who shall have taken part in preparing any of the said Lists, shall attend the said Court, and every lawful Adjournment thereof, and shall answer upon Oath all such Questions as shall be put to them by the Chairman or Barrister or Recorder presiding in such Court touching anything done by them in execution of the Provisions of this Act; and such Chairman or Barrister or Recorder shall at the said Court, or at some lawful Adjournment thereof, revise the said "General List of Jurors" and "List of Special Jurors," and shall, upon sworn Testimony or any other Evidence satisfactory to such Chairman or Barrister or Recorder, amend the said Lists by expunging therefrom the Name of every Man whose Name shall appear therein respectively who shall be exempted or shall not be qualified under this Act, or who in the Opinion of such Chairman or Barrister or Recorder shall not be eligible to make up, together with the Persons specially qualified under Section Fourteen of this Act, a competent Number of Persons out of whom a Special Jury Panel may conveniently be formed, or who from any Cause shall be unfit to serve as a Juror, and by inserting therein the Name of every Man whose Name shall not appear in the said Lists respectively, but who shall be qualified and liable to serve under this Act, and by correcting and supplying all Errors and Omissions which shall be found in either of the said Lists; and when the said Lists shall have been so revised and amended the Chairman or Barrister or Recorder who shall have revised the same shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part of the said List in which any Error shall have been corrected or any Omission supplied or any Insertion made by him, and shall sign his Name to each of the said Lists at the Foot of the last Page thereof, and shall deliver the same to the Clerk of the Peace of the County, who shall place the same among the Records in his Office, and shall allow the same to be inspected at all reasonable Times without Hindrance, Fee, or Reward.

Power to Chairman of Courts of Quarter Session to postpone Sessions.

16. And whereas it is desirable in certain Cases to confer upon the Chairman of Courts of Quarter Sessions a Power of postponing the holding of Sessions or Courts of Revision beyond the Day appointed therefor: Be it enacted, That if, during the holding of the Sessions or Courts of Revision in any Town or Place, it shall appear to the Chairman that the Business of the Sessions or Courts of Revision in such Town or Place is not likely to be concluded before the Time appointed for the holding of the Sessions or Revision Court in the next Town or Place, it shall be lawful for the Chairman in open Court, by Writing under his Hand, stating the Grounds of Postponement, to postpone the opening of the Sessions or Court of Revision in the next Town or Place, or all or any One or more of the succeeding Towns or Places, to such Time as he shall name in such Writing, not exceeding for any Town or Place Two Days from the Time originally appointed for the holding of the Sessions or Revision Court therein; and the Time so named shall thereupon be the Time for holding such Sessions or Court of Revision to all Intents and Purposes as if the same had been the Time originally appointed therefor; and it shall be the Duty of the Clerk of the Peace, by registered Letter through the Post Office, to notify such Postponement to the Clerk of Petty Sessions in such Town or Place wherein the holding of the Sessions shall be so postponed; and the Clerk of the Peace shall forthwith, on the Receipt of such Letter, cause public Notice of the Postponement to be posted on some conspicuous Part of the Court House.

Preparation of "Jurors Book" and "Special Jurors Book."
3 & 4 W. 4. c. 91. ss. 9. 24.

17. The Clerk of the Peace of every County in Ireland shall, on or before the Twentieth Day of December in every Year, cause to be printed a complete and true Copy of each of the said Lists, so revised and signed as aforesaid (each of said Copies to be printed in a separate Book), that is to say, of the "General List of Jurors" and of the "List of Special Jurors," and shall certify each of the said Books under his Hand, signed at the Foot thereof, to be a complete and true Copy of each of the said Lists respectively, and shall on or before the Twentieth Day of December in every Year deliver such Books so certified and signed to the Sheriff of the County; and the said Books shall be respectively called "The Jurors Book" and "The Special Jurors Book" for the Year for which each Book is to be in use; and every Book so prepared shall be brought into use on the First Day of Hilary Term next after it shall have been so delivered by the Clerk of the Peace to the Sheriff, and shall be used until the First Day of Hilary Term of the Year next following, and thenceforward until a new Book shall have been in like Manner made and delivered as aforesaid instead thereof; and every Sheriff on quitting his Office shall deliver all the said Books to the succeeding Sheriff: Provided always, that the Books in use at the Commencement of the Sittings of any Court of Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, may be used until the End of the same Sittings of any of the Courts aforesaid, unless the Judges shall otherwise direct.

Correction of "Jurors Books" and "Special Jurors Books." 8 & 9 Vict. c. 67. s. 4.

18. If any "Jurors Book" or "Special Jurors Book" shall be found to contain any Name which ought not or to omit any Name which ought to appear therein, it shall be lawful for Her Majesty's Court of Queen's Bench in Dublin, or for any Judge of the said Court, upon Complaint thereof, made upon Oath of the Fact by any Person whomsoever, to order any or every Sheriff, Clerk of the Peace, or Clerk of a Union, or any or every other Person or Persons who shall have prepared or taken part in preparing such "Jurors Book" or "Special Jurors Book" to attend in Person before such Court or Judge, and then to produce all or any Documents in the Custody, Possession, or Procurement of any such Person which such Court or Judge shall require; and if upon Inspection of the said "Jurors Book" or "Special Jurors Book," and Examination of the said Persons and Documents, or any of them, any Defect or Defects, Error or Errors, shall be found in the said "Jurors Book" or "Special Jurors Book," the said Court or Judge shall order the same to be corrected or amended, and such Correction or Amendment shall be forthwith made and signed in such "Jurors Book" or "Special Jurors Book" by the Sheriff, or by some Officer of the Court, in the Presence of the Court or Judge ordering the same; and if any such Person as aforesaid shall fail to attend when so ordered, or to produce any Documents required as aforesaid, or if upon such Inspection or Examination as aforesaid any such Defect or Defects, Error or Errors, shall be proved to the Satisfaction of such Court or Judge to have been caused by the wilful Act or Default or by the culpable Negligence of any One or more of the said Persons, it shall be lawful for such Court or Judge, in a summary Way, to set any Fine not exceeding Twenty-five Pounds for each Defect or Error so caused as aforesaid upon every Person wilfully or culpably causing such Defect or Error as aforesaid, and to direct such Fine to be applied in Payment of the Costs of the Person or Persons who shall have complained of the same, or otherwise in such Manner as the Court or Judge inflicting the Fine shall think fit.

Presentment of Expenses. 8 & 9 Vict. c. 67. s. 6.

19. An Account, duly verified, and with proper Vouchers of all Expenses incurred by any Clerk of the Peace of or acting for any County, County of a City, or County of a Town in carrying the Provisions of this Act into effect, including the Expenses of providing and printing the several Lists, Notices, Precepts, and Forms required by this Act, and also of all Expenses incurred by any Clerk of any Poor Law Union and by the Collector General of Rates in the County of the City of Dublin in carrying the Provisions of this Act into effect, shall be laid before the Chairman or Barrister or Recorder presiding in the Court before which the said Jurors Lists shall be brought for Revision; and the said Chairman or Barrister or Recorder shall examine the said Account, and vouch the same, and give to such Clerk of the Peace, Clerk of a Poor Law Union, or Collector General of Rates a Certificate of the Sum which he shall find to be fully due to him in respect of such Expenses; and it shall be lawful for the Grand Jury of every County, and for every Town Council empowered to make Presentments, as the Case may be, from Time to Time, at the next ensuing Assizes or Presenting Term, and they are hereby required, without previous Application at Presentment Sessions or otherwise, to present the Sum certified as aforesaid to be due to any Clerk of the Peace, Clerk of a Poor Law Union, or the said Collector General of Rates, and all such Sums of Money as they shall deem reasonable and necessary for defraying the Expense of any other Printing done in pursuance of this Act, and any other Expenses attending the Execution of this Act, and also such Sums by way of Compensation to the Clerk of the Peace, Clerks of Poor Law Unions, or Collector General of Rates for the Duties imposed upon them by this Act as they shall consider just and reasonable, and such Sums shall be paid to such Persons accordingly.

General Precept for the Return of Jurors.
3 & 4 W. 4. c. 91. s. 10.
16 & 17 Vict. c. 113. ss. 109, 110. 112.

20. No Jury Process shall henceforth be necessary in any Case whatsoever, but it shall be lawful and sufficient for the Judge or any One of the Judges of any Court, other than a Court of General Sessions of the Peace, and for any Recorder, and for any Chairman or Two Justices of a Court of General Sessions of the Peace before which the Attendance of Jurors shall be required, Fifteen Days at the least before the First Day upon which such Attendance shall be required, to issue a Precept for the Return of Jurors, under the Hand of such Judge, Recorder, Chairman, or Justices, to the Sheriff or other Officer to whom the Return of Jurors shall belong, and from whose Bailiwick or Jurisdiction the Attendance of Jurors shall be required; and such Precept shall command the Sheriff or other Officer to whom the same shall be issued to summon and return on a Day or Days to be named therein, or from Day to Day after a Day or Days to be named therein, as Occasion shall require, a competent Number of good and lawful Men of the Body of the County qualified according to Law, and shall not require the same to be returned from any particular Venue within the County; and whenever the Attendance of Special Jurors shall be required before any such Court, such Precept shall further direct the Sheriff or other Officer to whom the same shall be issued to summon and return a sufficient Number to be named therein of good and lawful Men of the Body

Precept for the Return of Special Jurors.

of the County, qualified according to Law to serve as Special Jurymen; and every such Sheriff or other Officer shall, pursuant to such Precept, and without any other Authority, summon and return all such Men as he shall be so required to summon and return in manner herein-after provided; and the Men so summoned and returned shall be qualified and liable to serve upon all Juries sworn or impanelled to try any Issue or Issues whatsoever which may come on for Trial before such Court, subject to all just Challenges and Objections.

General Precept for Courts of Common Law at Dublin. 16 & 17 Vict. c. 113. s. 111.

21. Provided always, That it shall be lawful and sufficient for any One Judge of any of the Superior Courts of Common Law at Dublin, Fifteen Days at the least before the Commencement of each Term, to issue One general Precept for the Return of Jurors, under his Hand, to the Sheriffs of the County of Dublin and County of the City of Dublin respectively, commanding each of the said Sheriffs respectively to summon and return a sufficient Number of Common Jurors, and a Number to be named therein of Special Jurors for the Trial of all Issues in the Superior Courts of Common Law and Consolidated Court of Nisi Prius which may come on for Trial in any of the said Courts during such Term, or the Sittings after such Term; and the said Sheriffs respectively shall, pursuant to such Precept, and without any other Authority, summon and return a sufficient Number of such Jurors accordingly in manner herein-after provided; and the Men so summoned and returned shall be qualified and liable to serve upon all Juries sworn or impanelled to try any Issue or Issues whatsoever which may come on for Trial before any of the said Courts during such Term, or the Sittings after such Term, subject to all just Challenges and Objections.

Saving of Powers of Courts to order Return of Jurors as heretofore. 3 & 4 W. 4. c. 91. s. 15.

22. Provided always, That nothing herein contained shall be construed to prevent any Court before which the Attendance of Jurors shall be required from having and exercising any and every Power and Authority which such Court might heretofore have or exercise, in issuing any Writ or Precept, or in making any Award or Order, orally or otherwise, for the summoning and Return of any Juror or Jurors for the Trial of any Issue or Issues before such Court, or for quashing, amending, enlarging, or otherwise dealing with any Panel of Jurors returned to such Court; and the Return to every such Writ, Precept, Award, or Order, and all Proceedings thereon, shall be made and had as heretofore accustomed, save and except that all Jurors shall be qualified according to this Act, and shall be returned from the Body of the County, and not from any particular Venue within the County.

23. It

Trial by Special Jury. 3 & 4 W. 4. c. 91. s. 23. 16 & 17 Vict. c. 113. ss. 112, 113.

23. It shall be lawful for any of Her Majesty's Superior Courts in Ireland, or for any Judge of any of the said Courts, upon Motion made on behalf of the Queen, or upon Motion of any Prosecutor, Relator, or Traverser, in any Criminal Case, or on any Penal Statute (except Indictments for Treason or Felony), depending in any of the said Courts, to order any Issue joined in any of the said Cases, and triable by a Jury, to be tried by a Special Jury; and the Plaintiff in any Action except Replevin shall be entitled to have the Cause tried by a Special Jury, upon giving Notice in Writing to the Defendant, at such Time as shall be necessary for a Notice of Trial, of his Intention that the Cause shall be so tried, and the Plaintiff in an Action of Replevin, and the Defendant in other Cases, shall be so entitled on giving the like Notice within Six Days before the First Day of the Assizes or Sittings of the Court respectively; provided always, that the Court or Judge may at any Time order that a Cause shall be tried by a Special Jury upon such Terms as they or he shall think fit.

Remedy for Delay by Notice of Trial by Special Jury. 16 & 17 Vict. c.113. s. 114.

24. Where a Defendant in any Cause, or Plaintiff in an Action of Replevin, gives Notice of his Intention to try the Cause by a Special Jury, the Court or a Judge, if satisfied that such Notice is given for the Purpose of Delay, may order that the Cause be tried by a Common Jury, or make such other Order as to the Trial of the Cause as such Court or Judge shall think fit.

View to be by Rule. 16 & 17 Vict. c. 113. s. 116.

25. A Writ or Clause of View shall not be necessary or used, but it shall be sufficient to obtain a Rule of Court or a Judge's Order, directing the Sheriff, when the View is to be had by a Common Jury, to have Six or more of the Jurors named in the Common Jury Panel, and when the View is to be had by a Special Jury, to have Six or more of the Twenty-four Jurors named in the reduced List from which the Special Jury, to try the Issue in the Cause, is to be selected as herein-after provided, chosen by Consent, or if the Parties cannot agree, nominated by the proper Officer at the Place in question, some convenient Time before the Trial; and in every such Rule or Order Two Persons shall be named on the Part of the Plaintiff, and Two Persons on behalf of the Defendant, to show the Place; and the Viewers shall have the Place shown to them by the Persons so named in such Rule or Order, or any Three of them, and the Sheriff upon Request shall deliver to either Party the Names of the Viewers, and shall also return their Names to the Registrars, for the Purpose of their being called as Jurymen upon the Trial.

Sheriff shall apply for Precepts.

26. Every Sheriff within whose Bailiwick any Court shall be appointed to be held, before which the Attendance of Jurors may be

16 & 17 Vict. c. 113. s. 111.

be required, shall apply for and procure to be issued in sufficient Time before the Time appointed for holding such Court, all such Precepts as shall be necessary for commanding the Return of Jurors before such Court; and immediately after the Issue of any such Precept the Sheriff or other Officer to whom the same shall be issued shall, according to the Exigency of such Precept, select a sufficient Number of Names from the Jurors Book, and return the prescribed Number of Names from the Special Jurors Book, and prepare Panels thereof; and where any Precept for the Return of Jurors shall be issued to any Coroner, Elisor, or other Officer, he shall have free Access to the Jurors Book and Special Jurors Book for the current Year or for the preceding Year, as he may require; and no Sheriff or other Officer shall, in answer to any Precept for the Return of Common or Special Jurors, return the Name of any Person not contained in the Jurors Book or Special Jurors Book respectively for the Year then current: Provided always, that if there shall be no Jurors Book or Special Jurors Book respectively in existence for such current Year, it shall be lawful for any such Officer to return Jurors from the Jurors Book and Special Jurors Book respectively for the next preceding Year; and if any Person whose Name shall not be contained in such Jurors Book or Special Jurors Book respectively shall be returned and sworn as a Juror, and any Trial shall proceed and Verdict be found without any Objection to such Person, such Trial shall not be deemed a Mistrial, nor shall the Verdict thereon be impeached or questioned on account of the Return of such Juror.

Returning Officers to have Access to Jurors Books, and all Names to be returned from the Jurors Book. 3 & 4 W. 4. c. 91. s. 11.

In County of Dublin and County of the City of Dublin, Names to be selected of Jurors who have not recently served.

27. In the County of Dublin and in the County of the City of Dublin the Sheriff or other Officer, in obedience to any Precept for the Return of Jurors for the Trial of Issues in Civil Cases, shall select, so far as may be practicable, the Names of such Persons only as shall not have been summoned, and shall not have attended as Jurors, for the longest Period before the Time of such Selection; and at the Time of making such Selection the Sheriff or other Officer making the same shall inscribe in the Book from which such Selection shall be made, opposite to the Name selected by him, the Date of such Selection.

Jury Panels. 16 & 17 Vict. c. 113. s. 109.

28. Ten Days before the Day or the first or earliest Day named in such Precept, the Sheriff or other Officer shall make Panels containing the Christian Names and Surnames, Places of Abode, and Additions of the Persons so selected, and keep the same in his Office, and shall lodge a Copy of the Special Jury Panel printed on Parchment with the Master of each of the Superior Courts of Common Law in Dublin; and printed Copies of such Panels or

Panel respectively shall be provided by such Sheriff or other Officer, and on Payment of a Fee of One Shilling shall be delivered to the Parties in all Civil Causes to be tried in the Court before which such Jurors shall be summoned to attend.

Summoning of Jurors. 3 & 4 W. 4. c. 91. s. 18.

29. Every Man named on every such Panel shall be summoned by the proper Officer Six Days at least before the Day on which the Attendance of such Man shall be required, by showing to the Man summoned, or in case he shall be absent from his usual Place of Abode, by leaving with some Person there inhabiting a Note in Writing under the Hand of the Sheriff or other Officer, containing the Substance of such Summons, with the Time and Place at which the Attendance of such Man shall be required; and every Officer summoning Jurors under this Act shall keep a Book or Books, in which he shall truly enter the Name of every Person so summoned by him, with the Day on which such Summons shall be served, and the Manner and Particulars of the Service thereof; and every such Officer shall attend, and shall (if required) produce such Book or Books at the Sitting of the Court, and verify the same upon Oath, or shall cause such Book or Books to be produced to the Court in case of the unavoidable Absence of such Officer; and in case of the Death, Illness, or unavoidable Absence of such Officer, the Book of such Officer, kept by him as aforesaid, verified on Oath as to his Handwriting by some credible Person, shall (if required) be produced to the Court, and shall be primâ facie Evidence of the Truth of the several Matters entered therein as aforesaid; and if any such Officer shall, without reasonable Excuse, neglect to summon any Juror as herein-before directed, or to keep such Book, or to make such Entries therein as aforesaid, or to attend the Court, or produce or verify, or cause to be produced, the said Book, as herein-before provided, every Officer so offending may for every such Neglect be fined by the Court in a summary Way in any Amount not exceeding Ten Pounds for each such Offence, with the Alternative of Imprisonment in default for any Period not exceeding Seven Days.

Books of Summonses to be kept. 14 & 15 Vict. c. 57. s. 19.

Fine on Jurors making default. 3 & 4 W. 4. c. 91. s. 32.

30. If any Man having been duly summoned to attend as a Juror before any Court shall not attend in pursuance of such Summons, or being twice called shall not answer to his Name, or if any such Man, or any Talesman, after having been called, shall be present but not answer, or after answering shall wilfully withdraw himself from the Court, the Court may set such Fine, not exceeding Fifty Pounds, upon every such Man or Talesman so making default as to the Court shall seem meet, unless some sufficient Excuse shall be proved by Oath or Affidavit: Provided always,

16 & 17 Vict. c. 113. s. 116.

always, that when any Viewer, having been duly chosen and summoned according to Law, shall make any such Default as aforesaid, the Court shall, in a summary Way, set upon such Viewer a Fine not less than Five Pounds, and as much more as the Court shall think proper, unless some sufficient Excuse shall be proved as aforesaid.

Balloting for Jurors in Civil Cases. 3 & 4 W. 4. c. 91. s. 19.

31. The Name of each Man who shall be summoned and returned as a Common Juror for the Trial of any Issue of a Civil Nature in any Court, with the Place of his Abode and Addition, shall be written on a distinct Piece of Card, such Pieces of Card being all as nearly as may be of an equal Size, and the said Pieces of Card shall be delivered to the Registrar of the Judge before whom such Issue is to be tried, by the Sheriff or other Officer returning the Jurors, and he shall, by Direction of such Registrar, put the Cards with the Names of the Common Jurors into a Box, to be provided for that Purpose, and such Registrar shall in open Court draw out of the Common Jury Box Twelve of the said Cards, one after another, after having shaken them together, or in any Case where a View shall have been directed and had according to Law, so many as, together with the Viewers who shall appear and be sworn, shall be sufficient to make up the Number of Twelve; and if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged and set aside, then a further Number until Twelve Men, or such other Number as, together with such Viewers so appearing and sworn as aforesaid, shall make up the Number of Twelve, be drawn, who shall appear, and who, after all just Causes of Challenge allowed, shall remain as fair and indifferent.

16 & 17 Vict. c. 113. s. 116.

Master of Court to appoint Time and Place for nominating Special Jury. 3 & 4 W. 4. c. 91. s. 25.

Nomination of Special Jury. 3 & 4 W. 4. c. 91. s. 25. 16 & 17 Vict. c. 113. s. 112.

32. When any Issue is to be tried by a Special Jury, the Officer of the Court in which such Issue is to be tried shall appoint a Time and Place for the Nomination of such Special Jury, and shall write the Name of each Man who shall be summoned and returned on the Special Jury Panel which shall have been lodged with the Master of the said Court, with the Place of his Abode and Addition on a distinct Piece of Card, such Pieces of Card being all as nearly as may be of an equal Size, and shall, in the Presence of all the Parties or of their Attorneys, or if the said Parties or the said Attorneys, all or any of them, do not attend, then, in their Absence, put all the said Cards into a Box to be provided for that Purpose, and after having shaken them together shall draw out of the said Box Forty-eight of the said Cards, one after another, and shall, as each Card is drawn, read out the Name written thereon, and if at the Time of so reading any Name either Party or his Attorney shall object that the Man whose Name shall have been read is dead or abroad, or from mental or bodily Infirmity, or other like Cause, is incapacitated from serving on such Jury, and shall prove the same to the Satisfaction of the said Officer, such Name shall be set aside, and the said Officer shall instead thereof draw out of the said Box another Card, and shall in like Manner read the Name thereon, which Name may be in like Manner set aside, and other Cards and Names shall in every such Case be resorted to, according to the Mode herein-before described, until the whole Number of Forty-eight Names, not liable to be set aside, shall be completed, and the said Officer shall afterwards make out for each Party a List of the Forty-eight Names in the Order in which they shall have been drawn as aforesaid, together with their respective Places of Abode and Additions; and all the subsequent Procedings for reducing the said List of Forty-eight, and all other Matters whatsoever relating to Special Juries, shall be according to the Mode used and accustomed before the passing of an Act of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, Chapter Ninety-one, intituled " An Act for consolidating and amending the " Laws relative to Jurors and Juries in Ireland," except where the same or any Part thereof is expressly altered by this Act: Provided always, that in any Case where a View shall have been directed and had according to Law, so many of the Viewers as shall appear shall be of the Jury to try the Cause; and provided also, that if from Want of Time or any other Cause a Special Jury shall not have been struck in manner aforesaid, it shall be lawful for the Judge of the Court in which such Issue is to be tried to order a Special Jury to be chosen from the Special Jury Panel, lodged as aforesaid, by Ballot, in the Manner by this Act provided for the choosing of a Common Jury.

Juries may try several Issues.
3 & 4 W. 4. c. 91. s. 26.

33. The Twelve Men so chosen to serve as a Common or Special Jury respectively, their Names being marked in the Panel, and they being sworn, shall be the Jury to try the Issue, and the Cards, with the Names of the Men so drawn and sworn, shall be kept apart by themselves until such Jury shall have given in their Verdict and the same shall be recorded, or until such Jury shall, by the Consent of the Parties or by Order of the Court, be discharged, and then the said Cards shall be returned to the proper Boxes respectively, there to be kept with the other Names remaining at that Time undrawn, and so toties quoties as long as any Issue remains to be tried: Provided always, that if any Issue shall be brought on to be tried in any of the said Courts before the Jury in any other Issue shall have brought in their Verdict or been discharged, it shall be lawful for the Court to order a Jury to be chosen as aforesaid for the Trial of same from amongst the Common Jurors or Special Jurors (as the Case may be) other than those engaged in the Trial of such other Issue: Provided also, that where both Parties shall consent thereto it shall be lawful for the Court to order the Trial of any Issue by the same Jury that shall have previously tried or been drawn to try any other Issue, without their Names being returned to the Box and redrawn.

Name not being on Jurors Book, good Ground of Challenge.
3 & 4 W. 4. c. 91. s. 21.

34. The Fact that the Name of any Man returned as a Common or Special Juror is not on the Jurors Book or Special Jurors Book respectively shall be a good Cause of Challenge to any Man so returned before any Court, and any such Man shall be discharged upon such Cause of Challenge being proved, but it shall lie upon the Person challenging to prove the Fact; and the Production of the Jurors Book and Special Jurors Book respectively, duly certified and signed as aforesaid, shall be conclusive Evidence, as against all Parties to any Issue or Issues, Civil or Criminal, triable in any of Her Majesty's Courts, and to be tried by any Jurors whose Names shall have been returned out of any such Jurors Book or Special Jurors Book, that such Books respectively have been duly prepared in accordance with this Act; and the Fact that the Name of any Man returned as a Common or Special Juror out of any Jurors Book or Special Jurors Book respectively is on such Book shall be conclusive Evidence that such Man is duly qualified as a Common or Special Juror, as the Case may be, unless it shall be proved that such Man is disqualified under the Eighth Section of this Act; and the Fact that any Man returned as a Common or Special Juror as aforesaid answers to his Name when called shall be conclusive Evidence that such Man is sufficiently and truly described upon the Jurors Book, Special Jurors Book, and Panel, and has been duly summoned, unless it shall be proved to the Satisfaction of the Court that the Person answering is not the Person whose Name is contained in the Jurors Book or Special Jurors Book, and returned upon the Panel, and no Challenge shall be taken to the Array of any Panel for Want of a Knight's being returned therein.

3 & 4 W. 4. c. 20.

Costs of Special Jury.
3 & 4 W. 4. c. 91. s. 27.

35. The Party who shall apply for a Special Jury in any Case whatsoever, whether Civil or Criminal, shall pay all the Expenses occasioned by the Trial of the Cause by the same, and shall not have any further or other Allowance for the same upon Taxation of Costs than such Party would be entitled to in case the Cause had been tried by a Common Jury, unless the Judge before whom the Cause is tried shall, immediately after the Trial, certify under his Hand, upon the Back of the Record, that the same was a

Cause proper to be tried by a Special Jury; and this Section and everything therein contained shall apply to Cases in which the Plaintiff shall be nonsuited as well as to Cases in which a Verdict shall pass against him.

4 & 5 Vict. c. 105. s. 60.

36. Where a full Jury shall not appear before any Court in any Criminal Prosecution properly triable in such Court, or in any Suit or Action, or where, after Appearance of a full Jury, by Challenge of any of the Parties, or Excuse upon sufficient Ground by the Court, the Inquest is likely to remain untaken or the Suit or Action to remain untried for Default of Jurors, every such Court, upon Request made for the Queen by any One thereto authorized in any Criminal Case (except only Indictments for Treason or Felony), or on Request made by the Parties, Plaintiff or Defendant, or their respective Attorneys, in any Action or Suit, shall command the Sheriff or other Officer to whom the Return of Jurors shall belong to name and appoint, as often as Need shall require, Twelve other good and lawful Men of the County then present, or who can be found to serve on such Jury; and such Sheriff or other Officer shall, at such Command of the Court, return Twelve such Men, duly qualified according to this Act, who shall be present, or can be found to serve on such Jury, and shall add and annex their Names to the former Panel: Provided that where a Special Jury shall have been struck for the Trial of any Issue, the Talesmen shall be such as shall be empannelled upon the Common Jury Panel to serve at the same Court, if a sufficient Number of such Men can be found; and the Names of the Persons so to be named, with their Places of Abode and Additions, shall be written on several distinct Pieces of Card, being all as nearly as may be of an equal Size, and shall be delivered to the Clerk or Registrar of the Court or Judge before whom such Issue is to be tried, by such Sheriff or other Officer, and shall, by the Direction and Care of such Clerk or Registrar, be put together in a Box and shaken together, and shall be drawn out one after another until a Number shall appear which shall be sufficient, with those of the original Panel who appear, to make up the Number of Twelve, who shall be the Jury to try the Issue; and the Queen, by any One so authorized as aforesaid, and all and every the Parties aforesaid, shall and may, in each of the Cases aforesaid respectively, have their respective Challenges to the Jurors so newly added and annexed, and the Court shall proceed to the Trial of every such Issue with those Jurors who were before empannelled together with the Talesmen so newly added and annexed, as if all the said Jurors had been returned upon the Panel originally returned to try the Issue.

Tales de circumstantibus.
3 & 4 W. 4. c. 91. s. 28.

37. And

Certain Provisions of 6 G. 4. c. 51. rendered applicable to Indictments found by Term Grand Juries in Her Majesty's Court of Queen's Bench in Ireland.

37. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled "An "Act for the Amendment of the Laws with respect to Special "Juries, and to Trials in Counties of Cities and Towns and Towns "Corporate, in Ireland," it is amongst other things enacted, that in every Action, whether the same be transitory or local, which shall be prosecuted or depending in any of His Majesty's Courts of Record in Dublin, and in every Indictment removed into His Majesty's Courts of King's Bench in Dublin by Writ of Certiorari, and in every Information filed by His Majesty's Attorney or Solicitor General in Ireland, or by Leave of the Court of King's Bench in Ireland, and in all Cases where any Person or Persons shall plead to or traverse any of the Facts contained in the Return to any Writ of Mandamus in Ireland, if the Venue in such Action, Indictment, or Information be laid in any County of a City, County of a Town, or Town Corporate within Ireland, or if such Writ of Mandamus be directed to any Person or Persons, or Body Politic or Corporate, in Ireland, it shall and may be lawful for the Court in which such Action, Indictment, Information, or other Proceeding shall be depending, at the Prayer and Instance of any Prosecutor or Plaintiff, or of any Defendant, to direct the Issue or Issues joined in such Action, Indictment, Information, or Proceeding to be tried by a Jury of the County next adjoining to such County of a City, County of a Town, or Town Corporate, and to award proper Precepts accordingly, if the said Court shall think fit and proper so to do: And whereas it is expedient that the said Provisions of the said last-mentioned Act should be applied to Indictments found by Term Grand Juries of the County or County of the City of Dublin, in Her Majesty's Court of Queen's Bench in Ireland: Be it therefore enacted, That so much of the said Act of the Sixth Year of the Reign of King George the Fourth as is herein-before specified shall apply and extend to and include any Indictment found by any Term Grand Jury of the County of Dublin or of the County of the City of Dublin in Her Majesty's Court of Queen's Bench in Ireland, in like Manner, to all Intents and Purposes, as in the Case of an Indictment removed into the aid Court by Writ of Certiorari.

Power to send Juries to the adjoining County for the Night.

38. Where any Jury shall be empannelled and sworn to try any Issue of Treason or Felony in the Court-house of any County, which Court-house shall be situate within or shall adjoin a different County, if it shall become necessary to keep such Jury together for any Night or Nights, or for any Sunday, it shall be lawful for the Court to direct that such Jury shall be taken for such Night or Nights, or such Sunday, to any convenient Place to be named by the Court, within such surrounding or adjoining

County; and such Jury, in going to, remaining at, and returning from such Place, shall be kept in the like Custody, and treated in all respects in the same Manner, and all Officers intrusted with the Duty of keeping such Jury together shall have the same Powers, as if such surrounding or adjoining County formed Part of the County to which such Court-house shall belong.

Sheriff indemnified for returning Names contained in Jurors Book. 3 & 4 W. 4. c. 91. s. 33. Fines imposed on Sheriffs and other Officers for Misconduct.

39. Every Sheriff and other Officer to whom the Return of Jurors shall belong shall be and is hereby indemnified for empannelling and returning any Man named in the Jurors Book or Special Jurors Book, although he may not be qualified or liable to serve on Juries; and if any such Sheriff or other Officer shall wilfully empannel and return any Man to serve on any Jury before any of the Courts herein-before mentioned (except on the Grand Jury at any Assizes or Sessions), such Man's Name not being inserted in the Jurors Book or Special Jurors Book for the current Year, or if such Book has not been delivered, then in the Book last delivered, or if any Officer of any of the Courts in this Act mentioned shall wilfully record the Appearance of any Man so summoned and returned who did not really appear, in every such Case the Court may, upon Examination in a summary Way, set such Fine upon such Officer offending as the Court shall think meet.

No Money to be taken by any Officer to excuse Persons from serving. 3 & 4 W. 4. c. 91. s. 34. None to be summoned but those named in the Warrant. Penalties for Neglect or Misconduct.

40. No Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer or Person whomsoever shall directly or indirectly take or receive any Money or other Reward, or Promise of Money or Reward, or any Consideration whatsoever, or the Promise of any Consideration, to excuse any Man from serving or from being summoned to serve on any Jury, or under any such Colour or Pretence; and no Bailiff or other Officer appointed to summon Jurors shall summon any Man to serve thereon other than those whose Names are specified in a Warrant or Mandate signed by the Sheriff or other Officer to whom the Return of Jurors shall belong and directed to such Bailiff or other Officer; and if any Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer shall wilfully transgress in any of the Cases aforesaid, or shall neglect to summon any Juror, or shall summon any Juror less than Four Days before the First Day on which he is to attend, except in the Cases herein-before excepted, the Court within whose Jurisdiction the Offence shall have been committed may and is hereby required, on Examination, and Proof of such Offence in a summary Way, to set such a Fine upon every Person so offending as the Court shall think meet, according to the Nature of the Offence, and to award such Term of Imprisonment not exceeding Three Months, in default of paying such Fine, as the Court shall think meet.

Penalties for Neglect to prepare Lists, &c.
3 & 4 W. 4. c. 91. s. 35.

41. If any Clerk of a Poor Law Union, or the Collector-General of Rates for the City of Dublin, shall refuse or neglect (unless prevented by Sickness) to prepare or assist in preparing any List required by this Act, so that the same shall not be made out at the Time and in the Manner herein-before directed, or shall wilfully omit from such List the Name of any Man whose Name ought to be inserted therein, or shall wilfully insert therein the Name of any Man whose Name ought to be omitted therefrom, or shall falsely state or wilfully omit to state any Cause of Exemption or Disqualification affecting any Man in such List, or shall take any Money or Reward, or Promise of Money or Reward, or other Consideration, for omitting or inserting any Name or Cause of Exemption or Disqualification whatsoever, or shall wilfully insert therein a wrong Description of the Name, Place of Abode, Title, Quality, Calling, or Business, or of the Nature or Amount of the Qualification of any Man, or shall refuse or wilfully neglect, in case the Number of Forms of Returns delivered by the Clerk of the Peace shall be insufficient, to apply to the Clerk of the Peace for a sufficient Number, so that the said Lists may be made out at the Time and in the Manner herein-before directed, or shall refuse to allow any Inhabitant of the District of such Clerk or Collector-General to inspect such List, or a true Copy thereof, gratis, at any reasonable Time, or shall on due Notice refuse or wilfully neglect to produce such List before any such Court as aforesaid, or to answer on Oath such Questions touching the same as shall there be put, or to attend before such Court as aforesaid, every such Person offending in any of the foregoing Cases shall for every such Offence forfeit a Sum not exceeding Fifty Pounds nor less than Forty Shillings, at the Discretion of the Court or Judge before whom he shall be convicted, and the Court or Judge before whom such Offender shall be convicted of any such Offence of wrongful Insertion or Omission shall forthwith, in Writing under his Hand, certify the same to the Clerk of the Peace of the County, City, or Town in which the Man or Men whose Name or Names shall have been so wrongfully omitted or inserted shall reside, and the said Clerk of the Peace shall cause the List in which such wrongful Insertion or Omission shall have occurred to be corrected according to such Certificate, and shall also give Notice thereof to the Sheriff, who shall correct the Jurors Book accordingly.

Penalties on Clerks of Peace, Sheriffs, &c. for Neglect.
3 & 4 W. 4. c. 91. s. 36.

42. If any Clerk of the Peace shall refuse or wilfully neglect to cause a sufficient Number either of Precepts or Forms of Return to be printed in the Manner herein-before directed, or shall refuse or wilfully neglect to issue and deliver to any Clerk of a Poor Law Union or to the Collector-General of Rates for the City of Dublin, within the Meaning of this Act, the Precepts as herein-before directed, or to annex to the same such a Number of the Forms of Return as he shall bonâ fide deem sufficient, or to deliver to any Clerk of a Poor Law Union, or to the said Collector-General, such additional Number thereof as he may apply for, within Three Days after such Application, or shall refuse or wilfully neglect to provide or prepare a General List of Jurors and List of Special Jurors, and a Jurors Book and Special Jurors Book, within the Time and in the Manner and Form herein-before prescribed, or to deliver the same to the Sheriff or Under Sheriff within the Time herein-before prescribed, or to give Notice to the Sheriff or Under Sheriff of any wrongful Insertion or Omission certified to him by any Court or Judge as aforesaid, or if any Clerk of the Peace, Sheriff, or Under Sheriff shall make or cause to be made any Alteration whatsoever in the List of Jurors, or in the List of Special Jurors, or Jurors Book, or Special Jurors Book, except in the Cases herein-before provided for, or shall wilfully write or cause to be written in any such List or Book the Name of any Person not qualified to appear therein, or shall wilfully omit thereout the Name of any Person duly qualified to appear therein, or if any Sheriff, Under Sheriff, or Officer as aforesaid shall neglect or refuse to write or cause to be written the several Names contained in any such Book, upon distinct Pieces of Card, in the Manner and within the Time herein-before prescribed, or shall subtract or destroy or by any Default or Neglect lose any of the said Pieces of Card, or shall wilfully neglect or refuse upon Discovery of such Loss to supply the same within Five Days, or if any Sheriff or Under Sheriff shall refuse or wilfully neglect within Ten Days after the next succeeding Sheriff or Under Sheriff shall have entered upon Office to deliver over to him as well all the Jurors Books and Special Jurors Books which shall be made or prepared in the Year of his Sheriffalty, as also such other like Books as were prepared in the Sheriffalty of any of his Predecessors within Four Years then next preceding, and which were delivered over to him by any of his Predecessors, every such Clerk of the Peace, Sheriff, or Under Sheriff offending in any of the said Cases shall for every such Offence forfeit the Sum of One hundred Pounds, one Moiety whereof shall be to the Use of Her Majesty, Her Heirs or Successors, and the other Moiety, with full Costs, to any Person who shall sue for the same by a personal Action in any of Her Majesty's Courts of Record at Dublin.

Qualification of Jurors on Writs of Inquiries, &c.

43. No Man shall be summoned or empannelled to serve as a Juror in any County in Ireland upon any Inquest or Inquiry to be taken or made by or before any Sheriff or Coroner by virtue of any Writ

3 & 4 W. 4. c. 91. s. 40.

Writ of Inquiry, or by or before any Commissioner or Commissioners appointed under the Great Seal or the Seal of the Court of Exchequer, or by or before any Judge or other Officer of any Court, whose Name shall not be on the Jurors Book or Special Jurors Book in force in each County for the Time being: Provided always, that nothing herein contained shall extend to any Inquest of the Death of any Person to be taken by or before any Coroner by virtue of his Office, or by or before any Justices of the Peace acting in lieu of such Coroner, or to any Inquest or Inquiry to be taken or made by or before any Sheriff or Coroner of any Liberty, Franchise, City, Borough, or Town Corporate, not being a County, but that the Sheriffs, Coroners, and Justices in all Cases to which this Act does not extend as aforesaid shall and may respectively take and make all Inquests and Inquiries by Jurors of the same Description as they have been used and accustomed to do before the passing of this Act.

This Act not to extend to Coroners Inquests.

Sheriffs and other Officers empowered to fine Jurors 3 & 4 W. 4. c. 91. s. 41.

44. If any Man having been duly summoned and returned to serve as a Juror in any County in Ireland upon any Inquest or Inquiry before any Sheriff or Coroner by virtue of any Writ of Inquiry, or before any of the Commissioners or Masters aforesaid, shall not, after being openly called Three Times, appear and serve as such Juror, every such Sheriff, or in his Absence the Under Sheriff, and every such Coroner, Commissioner, and Master respectively, is hereby authorized and required, unless some reasonable Excuse shall be proved on Oath or Affidavit, in a summary Way to impose such Fine upon every Man so making default as he shall think fit, not exceeding Five Pounds; and every such Sheriff, Under Sheriff, Coroner, Commissioner, and Master respectively shall make out and sign a Certificate containing the Christian Name and Surname, the Residence, and Trade or Calling of every Man so making default, together with the Amount of the Fine imposed, and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace or Town Clerk for the Place in which every such Defaulter shall reside, on or before the First Day of the Quarter Sessions next ensuing, if such Sessions shall not commence within Ten Days from the making of such Certificate, and if such Sessions shall commence within Ten Days after the making of such Certificate, then on or before the First Day of the Quarter Sessions next following the said next ensuing Quarter Sessions; and every such Clerk of the Peace and Town Clerk is hereby required to copy the Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Sessions shall be copied, and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions, and Penalties in all respects, as if they had been Part of the Fines imposed at such Quarter Sessions.

Embracery and corrupt Jurors punishable. 3 & 4 W. 4. c. 91. s. 48.

45. Notwithstanding anything herein contained, every Person who shall be guilty of the Offence of Embracery, and every Juror who shall wilfully or corruptly consent thereto, shall and may be respectively proceeded against by Indictment or Information, and be punished by Fine and Imprisonment, in like Manner as every such Person and Juror might have been before the passing of this Act.

Fines to be levied as provided by "Fines Act (Ireland), 1851."

46. All Fines and Penalties incurred or imposed under this Act by any Court shall be levied and recovered and applied as by "The Fines Act (Ireland), 1851," is provided.

Writs of Attaint, &c. against Juries abolished. 3 & 4 W. 4. c. 91. s. 47.

47. From and after the passing of this Act, it shall not be lawful either for the Queen or any one on Her Behalf, or for any Party or Parties in any Case whatsoever, to commence or prosecute any Writ of Attaint against any Jury or Jurors for the Verdict by them given, or against the Party or Parties who shall have Judgment upon such Verdict; and that no Inquest shall be taken to inquire of the Concealments of other Inquests, but that all such Attaints and Inquests shall henceforth cease, become void, and utterly abolished; any Law, Statute, or Usage to the contrary notwithstanding.

Commencement of Act.

48. The Parts of this Act relating to the Preparation of Lists of Jurors and Lists of Special Jurors, and the Formation of Jurors Books and Special Jurors Books, and the Delivery thereof to the Sheriffs, shall commence and take effect as soon after the First Day of June next after the passing of this Act as the proper Periods for doing those Things shall occur, and the rest of this Act shall commence and take effect on the First Day of Hilary Term next after the said Thirtieth Day of June.

Jurors Books in use to be continued until new Books prepared.

49. The Jurors Books and Special Jurors Books in use in the several Counties in Ireland at the passing of this Act shall continue to be used until new Jurors Books and Special Jurors Books for the said several Counties respectively shall have been duly prepared, and shall come into use, in pursuance of the Provisions of this Act.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

Acts and Parts of Acts to be repealed, so far as in the foregoing Act is declared.

Date of Act.	Title of Act.	Extent of Repeal.
No. 1. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King William the Fourth, Chapter Ninety-one.	No. 1. "An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 1. The entire Act.
No. 2. An Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Eight.	No. 2. "An Act to amend an Act passed in the last Session, for consolidating and amending the Laws relating to Jurors and Juries in Ireland."	No. 2. The entire Act.
No. 3. An Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Queen Victoria, Chapter Forty-eight.	No. 3. "An Act to amend Two Acts of the Third and Fourth and Fourth and Fifth Years of His late Majesty King William the Fourth, for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 3. The entire Act.
No. 4. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Queen Victoria, Chapter One hundred and five.	No. 4. "An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland."	No. 4. Section LX.
No. 5. An Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Queen Victoria, Chapter Sixty-seven.	No. 5. "An Act for making further Regulations for more effectually securing the Correctness of the Jurors Books in Ireland."	No. 5. The entire Act.
No. 6. An Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Queen Victoria, Chapter Ninety-one.	No. 6. "An Act to provide for the Collection of Rates in the City of Dublin."	No. 6. Section LXXXVII.
No. 7. An Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Queen Victoria, Chapter One hundred and thirteen.	No. 7. "An Act to amend the Procedure in the Superior Courts of Common Law in Ireland."	No. 7. Sections CIX., CX., CXI., CXII., CXIII., CXIV., CXV., CXVI., CXVII.

SECOND SCHEDULE.

Form A.

Precept for the Return of Lists of Jurors.

County of , [*or*
County of the City of , *or*
County of the Town of , *or*
County of the City of Dublin].

To the Clerk of the Poor Law Union of in the said County, or to the Collector General of Rates for the City of Dublin.

You are hereby required, on or before the First Day of August in this present Year, to prepare a complete and true List in Writing, according to the Form sent herewith, of the Names of all Men rated for the Relief of the Poor within the said Union of who are qualified to serve as Jurors for the said County of that is to say, A complete and true List, containing the Name of every Man who resides within the said County, or who has or uses, for the Purposes of any Trade or Business, any House, Office, Shop, Store, or Place of Business within the said County, who is, either in his own Name or as a Member of a Firm or Copartnership rated in the last Rate made in the said Union for the Relief of the Poor in respect of any Lands, Tenements, or Hereditaments within the said Union and within the said County of the net annual Value of Twenty Pounds or upwards; and you are required to prepare the said List in alphabetical Order of Surnames, and to write the Christian Name or Names and Surname of every Man at full Length, with his true or last known Place of Abode, and the Place of his rated Property, his Title, Quality, Calling, or Business, and the annual Value of his rated Property, in the proper Columns of the Forms sent herewith; and if you have not a sufficient Number of Forms you must apply to me for more; and in preparing the said List you are to state in the Eighth Column of the Forms sent herewith if any such Persons are to your Knowledge above the Age of Sixty Years, or are Peers and Privy Councillors, Judges of any of the Queen's Courts of Record, Clergymen in Holy Orders, Ministers in any Religious Congregation, Sergeants and Barristers-at-Law actually practising or holding and performing the Duties of any Place or Office of Emolument under the Crown, Proctors, Attorneys, and Solicitors actually practising and having duly taken out their annual Certificates, Officers of any of the Queen's Courts or of any Ecclesiastical Court or of the Ecclesiastical Commissioners for Ireland, actually performing the Duties of their respective Offices, Recorders, resident Stipendiary Magistrates, Coroners, Gaolers, and Keepers of Houses of Correction actually performing the Duties of their respective Offices, Poor Law Inspectors and Sub-Inspectors, Inspectors and Sub-Inspectors of National Schools, Prisons, and Factories, Medical and Surgical

Practitioners duly registered and actually practising, Apothecaries actually carrying on Business and duly certified by the Court of Examiners of the Governors and Company of the Apothecaries Hall of the City of Dublin or of the City of London, Officers of Her Majesty's Navy or Army on full Pay or on active Service, Persons employed and acting in the Service of the Police, Constabulary, Customs, Excise, or Post Office, Sheriffs, Under Sheriffs, and Sheriffs' Officers, Town Clerks, Parish Clerks, and Clerks of Petty Sessions, or their respective Deputies, County Surveyors, County Treasurers, and Secretaries to Grand Juries, or their respective Deputies, Clerks, and Assistants, Notaries Public, and Commissioners for taking Affidavits for any of the Superior Courts of Law or Equity, Masters of Vessels in actual Employment, and duly licensed Pilots, all Persons employed and acting in carrying into effect the Acts relating to the Valuation of rateable Property or to the Execution of Public Works in Ireland, Persons heretofore exempted by virtue of any Prescription, Charter, Grant, Writ, or Local or Personal Act of Parliament; and you are to state in the Ninth Column of the Forms sent herewith, to the best of your Knowledge, Information, and Belief, whether any of such Persons are Infants under the Age of Twenty-one Years, Persons not natural-born Subjects of the Queen, Persons attainted of Treason or Felony, or convicted of any Crime that is infamous (unless having obtained a free Pardon), or Persons who have at any Time within Seven Years undergone Punishment by Imprisonment for any Criminal Offence, Bankrupts who have not obtained their Certificates, and Insolvent Debtors who have been discharged within Five Years; and when you shall have made out such List you are required to cause a sufficient Number of Copies thereof to be printed, the Expense of which Printing will be allowed you by the County; and you are required, on or before the First Day of August in the present Year, to deliver to me a Copy of such List, signed by you, and with a Declaration at Foot thereof made by you under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths, that the same is a List truly and fully prepared in pursuance of this Precept; and you are further required to attend the Court to be held for the Examination of the said List, of the Time and Place of holding which you shall be previously informed, and there to answer on Oath such Questions as shall be put to you by the Judge of such Court then present touching the said List; and these several Matters you are in no wise to omit, upon the Peril that may ensue.

Given under my Hand, at in the said County, this Day of in the Year .

Clerk of the Peace for the said County of .

Form

FORM B.

"The Clerk of the Union's List [*or* List of the Collector General of Rates "for the City of Dublin] of Persons qualified in respect of Rating and "Occupation to serve as Jurors for the County of [*or* for the "County of the City of Dublin], during the Year ."

Poor Law Union of .

No. 1. Consecutive Numbers.	No. 2. Surnames in Alphabetical Order.	No. 3. Christian Names.	No. 4. Places of Abode.	No. 5. Title, Quality, Calling, or Business.	No. 6. Annual rated Value of Property.	No. 7. Place of rated Property.	No. 8. Cause of Exemption.	No. 9. Cause of Disqualification.

FORM C.

"The Clerk of the Peace's List of Persons qualified as Freeholders, Copy-"holders, or Leaseholders to serve as Jurors for the County of "during the Year ."

Consecutive Numbers.	Surnames in Alphabetical Order.	Christian Names.	Places of Abode.	Title, Quality, Calling, or Business.	Annual Value of Property as appearing in Register of Parliamentary Voters.	Nature of Property, whether Freehold, Copyhold, or Leasehold.	Place of Property.	Cause of Exemption.	Cause of Disqualification.

FORM D.

General List of Jurors *or* List of Special Jurors [*as the Case may be*] } for the County, *or* County of the City, *or* County of the Town [*as the Case may be*] of for the Year .

Consecutive Numbers.	Surnames in Alphabetical Order.	Christian Names.	Place of Abode.	Title, Quality, Calling, or Business.	Annual Value of Property.	Nature of Qualification, Freeholder, Copyholder, Leaseholder, or rated Occupier.	Place of Property.	Cause of Exemption.	Cause of Disqualification.

Petit Juries (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Laws
relating to Petit Juries in Ireland.

(*Prepared and brought in by*
Mr. Solicitor General for Ireland and
Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed*,
16 *May* 1867.

[Bill 158.]

Under 4 *oz.*

A

BILL

TO

Amend the Petty Sessions Act (Ireland), 1851, as to the backing of Warrants.

WHEREAS by the Petty Sessions Act (Ireland), 1851, certain Provisions were made for the backing of Warrants for Execution by the Inspector General or by either of the Deputy Inspectors General of Constabulary in Ireland:

Preamble. 14 & 15 Vict. c. 93. ss. 27, 29, 30.

And whereas the Number of the said Deputy Inspectors General of Constabulary has since been reduced to One, and there are Three Assistant Inspectors General of Constabulary:

And whereas it is expedient that in the Absence of the said Inspector General and Deputy Inspector General of Constabulary the Assistant Inspectors General of Constabulary should have the same Power to back Warrants for Execution as by the said recited Act were given to the said Inspector General and Deputy Inspectors General:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. That in the Absence of the Inspector General and Deputy Inspector General of Constabulary it shall be lawful for any one of the

Power to Assistant Inspectors

General of Constabulary to back Warrants in Absence of Inspector General and Deputy Inspector General.

the Assistant Inspectors General of Constabulary in Ireland to back, endorse, and transmit for Execution all Warrants issued under the said recited Act in like Manner as the said Inspector General and Deputy Inspectors General were thereby authorized to do, and thereupon the same shall and may be executed in like Manner as a Warrant backed by the said Inspector General or Deputy Inspector General under the recited Act.

Petty Sessions (Ireland) Act (1851) Amendment.

A

BILL

To amend the Petty Sessions Act (Ireland), 1851, as to the backing of Warrants.

(*Prepared and brought in by*
Mr. Solicitor General for Ireland and
Lord Naas.)

Ordered, by The House of Commons, *to be Printed,*
22 *March* 1867.

[Bill 87.]

Under 1 *oz.*

A

BILL

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Balbriggan, Cleethorpes, Cromer, Dingwall, Girvan, Rothesay, Seaford, and Southport.

Preamble. 24 & 25 Vict. c. 45.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Orders in Schedule.

1. The several Orders set out in the Schedule to this Act shall be and the same are hereby confirmed, and all the Provisions thereof

in Manner and Form as they are set out in the said Schedule shall, from and after the *passing of this Act*, have full Validity and Force.

ort Title. **2.** This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1867.

The SCHEDULE of Orders.

1. BALBRIGGAN.—Alteration of Tolls, &c.
2. CLEETHORPES.—Construction of a Pier.
3. CROMER.—Construction of a Pier.
4. DINGWALL—Improvement of Harbour.
5. GIRVAN.—Amendment of Order.
6. ROTHESAY.—Construction of Piers.
7. SEAFORD.—Construction of a Pier.
8. SOUTHPORT.—Construction of a Pier.

BALBRIGGAN.

Order for the Maintenance and Regulation of the Pier and Harbour of Balbriggan, in the county of Dublin, being an Outport or Creek of the Port of Dublin.

Balbriggan.

The undertakers.

1. The Corporation for preserving and improving the Port of Dublin, hereinafter called "The Corporation," shall be the undertakers of the works authorized by this Order.

Description of works.

2. The works authorized by this Order comprise the following:

The dredging, deepening, or otherwise improving of the inner and outer harbour of Balbriggan;

The erection of works calculated to shelter and defend the harbour and prevent it from being silted up;

The improvement of the Balbriggan pier.

Power to take rates according to Schedule.

3. The Corporation may demand and receive, in respect of the vessels and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

4. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, from, and out of the pier and harbour by land and with their vessels and otherwise, without payment.

Certain fishing vessels under stress of weather exempt from rates.

5. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier or harbour to which this Order relates, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Parts of Harbours, &c. Act, 1847, excepted.

6. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections numbered 6 to 26, both inclusive, sections 37 to 42, both inclusive, sections 45 and 50, and sections 79 to 82, both inclusive.

Power to borrow.

7. The Corporation may from time to time under this Order borrow, on mortgage of the rates leviable under this Order, any money, not exceeding in the whole the sum of Two thousand pounds, required for the purposes of the works authorized by this Order.

Money to be applied to purposes of Order.

8. Every part of the money borrowed under this Order shall be applied only to the purposes authorized by this Order.

Mortgages.

9. The clauses with respect to the mortgages to be executed by the Commissioners, contained in "The Commissioners Clauses Act, 1847," are hereby incorporated with this Order.

Application of rates.

10. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise, namely:—

In paying the costs, charges, and expenses of applying for and obtaining this Order, or preparatory or incident thereto:

In defraying the expense of supplying ballast for the use of vessels paying for same according to the Schedule hereto:

In defraying the necessary expenses of the maintenance, management, and regulation of the pier and harbour:

In paying a certain annuity charged by the 12 & 13 Victoria, chapter 60, on all dues arising out of the harbour, and payable to the Commissioners of Public Works, Ireland, for twenty-two years from the tenth day of October One thousand eight hundred and forty-nine, in respect of a sum of One thousand five hundred pounds expended in deepening and improving the said harbour:

In paying interest on money borrowed under this Order, and in repayment of the principal of such money:

In executing any works authorized by this Order.

Dredges, steam engines, diving bells, lighters, &c.

11. The Corporation may, for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast and other lighters, tools, plant, and other materials, as they think fit, and may from time to time, as they think fit, sell and dispose of the same, or any of them; and shall apply the money produced thereby in carrying into effect the purposes of this Order or some of them.

Saving of existing rights.

12. Nothing in this Order shall be construed to interfere in any way with any existing rights in the said pier or harbour, or the lands or foreshore adjoining the same.

Saving rights, &c. under Crown Lands Act, 1866.

13. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short Title.

14. This Order may be cited as "The Balbriggan Pier and Harbour Order, 1867."

The SCHEDULE to which the foregoing Order refers.

RATES FOR THE SUPPLY OF BALLAST AND ON VESSELS ENTERING THE HARBOUR.

	s.	*d.*
1. For every ton of ballast supplied for the use of vessels leaving the harbour, if put on board from the lighter, or deposited on the quay opposite such vessel - - - - - -	*1*	*0*
Additional charge for heaving on board when deposited on the quay, if required by the owner or master, for every ton - -	*0*	*3*

2. Tonnage

Balbriggan.

2. Tonnage duty on each vessel discharging cargo, per registered ton	0	6
3. ,, ,, for gas lights, &c. on piers	0	1
4. On every vessel or boat exceeding 5 tons registered burthen, for an annual licence to use the harbour	10	0
5. On every vessel or boat of 5 tons or less registered burthen, for an annual licence to use the harbour	5	0

An annual licence to be paid for on all vessels or boats entering the harbour more than once within any year ending on the 31st day of December.

The period for the annual licence to be from the 1st January to 31st December. All annual licences, at whatever time taken out, to expire on the 31st December in each year.

The annual licence not to be paid for on vessels using the harbour as traders, and paying dues as such.

6. The owner of every vessel or boat laid up in the harbour, or occupying a berth at the quay at any one time for a period exceeding 14 days, unless detained by stress of weather, to be liable to a charge of one halfpenny per registered ton for every day exceeding that period.

CLEETHORPES.

Cleethorpes.

Order for the Construction, Maintenance, and Regulation of a Pier at Cleethorpes in the County of Lincoln.

Incorporation of company.

1. The following persons, namely, Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company, for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cleethorpes Promenade Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The Cleethorpes Promenade Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," except so much as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Act Amendment Act, 1860," shall respectively be incorporated with this Order.

Capital.

4. The capital of the Company shall be ten thousand pounds, in one thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one fifth part of the amount of such share, has been paid in respect thereof.

Cleethorpes.

Calls.

6. No call shall exceed two pounds a share, or be made payable within three months of a previous call.

Power to create Preference Shares.

7. The Company, with the sanction of at least three fifths in value of the votes of the shareholders present, in person or by proxy, at a general meeting, specially convened for that purpose, may attach to all, or any, of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company, from time to time, may borrow on mortgage, at interest, any sum or sums of money, not exceeding in the whole three thousand three hundred and thirty-three pounds; but no money shall be so borrowed until the whole of the capital of ten thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the justice, who certifies under Section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest or dividend on calls.

10. The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the Company paying to any shareholder interest on any money advanced by him beyond the amount of calls actually made in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11. The Company shall not, out of any money so raised, pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first General Meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the Directors determine.

Number of Directors.

14. The number of Directors shall not be more than nine nor less than five.

Quorum of Directors.

15. The quorum of a meeting of Directors shall be three.

First Directors.

16. Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, with such other shareholders (if any) as they add to their number, shall be the first Directors; and the first Directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and Directors shall be elected by the meeting, the retiring Directors being eligible for re-election.

17. The

Qualification.

17. The qualification of a Director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the Directors shall, from time to time, be fixed by a general meeting, and shall be divided among the Directors, as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order, as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

Lands for extraordinary purposes.

20. The Company may purchase and hold, for extraordinary purposes, any land not exceeding in the whole three acres.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order.

22. The works authorized by this Order comprise the following:

Description of works authorized.

A Pier, Jetty, and Landing-place, with all proper works, approaches, and other conveniences for the embarking and landing of passengers, fish, goods, and merchandise, and other purposes, in the township of Cleethorpes, in the parish of Clee, in the county of Lincoln, commencing at a point upon the edge of the cliff adjoining the recreation ground belonging to the overseers and churchwardens of the parish of Clee, and opposite to the eastern end of a footway leading from the said recreation ground to Albert Street, and extending thence seawards in a north-easterly direction one thousand two hundred feet or thereabouts, the landward portion of which pier, jetty, landing-place, works, and approaches will be wholly situate in or abut upon the township of Cleethorpes aforesaid.

Power to take rates in Schedule.

23. The Company may, for the use of the pier and works, demand and take, in respect of the vessels, persons, fish, animals, and goods in the schedule to this Order specified, any sums not exceeding the rates in that schedule specified.

Certain fishing vessels, under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Pass tickets for use of pier.

25. The Company may grant to passengers, promenaders, and other persons pass tickets for the use of the pier and works, at such rates, on such terms, and

for such periods, not exceeding one year, as may be agreed upon. Such pass tickets shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Exemption of Custom House Officers from rates.

26. Officers of Customs, being in the execution of their duty, shall at all times have free egress, passage and ingress on, to, and over the pier and works, by land and with their vessels, without payment.

Steam engines, diving bell lighters,

27. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences, as they think proper, for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

28. The Company shall have the appointment of meters and weighers on, or in connexion with, the pier.

Restriction on use of pier.

29. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship, at the pier or jetty authorized by this Order, any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Saving rights under Crown Lands Act, 1866.

30. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short Title.

31. This Order may be cited as "The Cleethorpes Promenade Pier Order, 1867."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	d
For every vessel under the burden of 15 tons, per ton - -	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton -	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton -	1	0
All lighters for each trip, per ton - - - - - -	0	2
All boats entirely open, landing or taking on board goods, each -	0	6

II.—Rates

Cleethorpes

II.—Rates of Goods shipped or unshipped at the Pier.

	s.	d.
Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages:		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand-carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes) per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto per box	0	6
Grains and seeds, per quarter	0	6

Cleethorpes.

	s.	d.
Groceries (not enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:—		
Bar, bolt, rod and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cubic feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0

Cleethorpes.

	s.	d.
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto 2½ inches in diameter and under, per 120	4	0
Ditto 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto exceeding 2 feet in length, per 120	3	0
Trenails, per thousand	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	s.	d.
Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures and quantities than those above specified, a portion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st. *Rates of Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6

Cleethorpes.

2nd. Weighing Machines.

	s.	*d.*
For goods weighed, for each ton or part of a ton	*0*	*2*

3rd. Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d*., and the sum of 1½*d*. per ton for each day during which such goods shall remain after first 48 hours.

	s.	*d.*
For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day, or part of a day, per package	*0*	*2*

IV.—RATES FOR SUPPLYING WATER ON PIER.

	s.	*d.*
Water, per 1,000 gallons	*10*	*0*

V.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	*d.*
For every passenger or other person who shall land on the pier from or embark from it on board of, any ship, vessel, packet or passage boat, for each time any sum not exceeding	*0*	*6*
For every person who shall use the pier for the purpose of walking for exercise, pleasure or any other purpose, except for embarking or disembarking, for each time any time any sum not exceeding	*0*	*4*
For every bath or sedan chair taken on the pier, for each time not exceeding	*0*	*6*
For every perambulator taken on the pier, for each time any sum not exceeding	*0*	*2*
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Clee, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	*20*	*0*

VI.—RATES ON PASSENGERS' LUGGAGE.

	s.	*d.*
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs.	*0*	*4*
Over 84 lbs. and not exceeding 112 lbs.	*0*	*5*
Over 112 lbs. and not exceeding 140 lbs.	*0*	*6*
Over 140 lbs. and not exceeding 196 lbs.	*0*	*7*
Over 196 lbs. and not exceeding 2 cwt.	*0*	*8*
And for every cwt. beyond	*0*	*4*
And for every 20 lbs. weight in addition	*0*	*1*

CROMER.

CROMER.

Order for the Construction, Maintenance, and Regulation of a Pier and Harbour at Cromer, in the County of Norfolk.

Cromer.

Incorporation of Company.

1. THE following persons, namely, Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, and all other persons and corporations subscribing to the Undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company, for the purpose of making, maintaining, and regulating the Harbour and Works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cromer Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The Cromer Pier Company, in this Order called the Company, shall be the undertakers of the Works authorized by this Order.

Incorporation of Clauses Act.

3. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," except so much as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Act Amendment Act, 1860," shall respectively be incorporated with this Order.

Capital.

4. The Capital of the Company shall be ten thousand pounds, in one thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one-fifth part of the amount of such share, has been paid in respect thereof.

Calls.

6. No call shall exceed two pounds a share, or be made payable within three months of a previous call.

Power to create preference shares.

7. The Company, with the sanction of at least three-fifths in value of the votes of the Shareholders present in person or by proxy at a general meeting, specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one-third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company, from time to time, may borrow on mortgage, at interest, any sum or sums of money, not exceeding in the whole three thousand three hundred and thirty-three pounds, but no money shall be so borrowed until the whole of the capital of ten thousand pounds is subscribed for or taken, and one-half thereof is paid up, and the Company satisfy the Justice who certifies under Section 40 of

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of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one-half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The Mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a Receiver, and the amount to authorize a requisition for a Receiver is five hundred pounds.

No interest or dividend on calls.

10. The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any Shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the Company paying to any Shareholder interest on any money advanced by him beyond the amount of calls actually made, as may be in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit, under Standing Orders, &c.

11. The Company shall not, out of any money so raised, pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first general meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the Directors determine.

Number of Directors.

14. The number of Directors shall not be more than nine nor less than five.

Quorum of Directors.

15. The quorum of a meeting of Directors shall be three.

First Directors.

16. Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, with such other Shareholders (if any) as they add to their number, shall be the first Directors; and the first Directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and Directors shall be elected by the meeting, the retiring Directors being eligible for re-election.

Qualification.

17. The qualification of a Director elected by the Shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the Directors shall, from time to time, be fixed by a general meeting, and shall be divided among the Directors as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order,

as they think requisite for the purposes of the proposed Pier and Works, and the conveniences connected therewith.

Lands for extraordinary purposes.

20. The Company may purchase and hold, for extraordinary purposes, any land not exceeding in the whole three acres.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans, as the Board of Trade require, from time to time, before the completion of the Works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the Pier and Works authorized by this Order.

Description of works authorized.

22. The Works authorized comprise the following:—

A Pier, Jetty, and Landing Place, with all proper works, approaches, and other conveniences for the embarking and landing of passengers, fish, goods, and merchandise, and other purposes, in the parish of Cromer, in the county of Norfolk, commencing at a point upon the esplanade or sea wall opposite the end of Jetty Street, thirty-three feet or thereabouts to the east of the existing jetty, and extending thence seawards in a north-north-east direction seven hundred and fifty feet, or thereabouts, the whole of the landward portion of which said Pier, Jetty, Landing Place, works, and approaches will be situate in, or abut upon, the said parish of Cromer, in the county of Norfolk.

Power to take rate in Schedule.

23. The Company may, for the use of the Pier and Works, demand and take, in respect of the vessels, persons, fish, animals, and goods in the Schedule hereto specified, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the Pier authorized by this Order and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Pass tickets for use of pier.

Pass tickets not transferable.

25. The Company may grant to passengers, promenaders, and other persons, pass tickets for the use of the Pier and Works, at such rates, on such terms, and for such periods not exceeding one year, as may be agreed upon. Such pass ticket granted by the Company shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit pass ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Exemption of Custom House Officers from rates.

26. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, to, and over the Pier and Works, by land and with their vessels, without payment.

Steam engines, lighters, &c.

27. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences, as they think proper, for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

28. The Company shall have the appointment of Meters and Weighers on, or in connexion with, the Pier.

Restriction on use of Pier.

29. Nothing in this Order shall entitle any person, with any vessel or boat, to ship or unship at the Pier or Jetty authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the Pier or Jetty for recreation, or for the embarking or landing of passengers.

Saving rights under Crown Lands Act, 1866.

30. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade, by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short Title.

31. This Order may be cited as "The Cromer Pier Order, 1867."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - -	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton -	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton -	*1*	*0*
All lighters for each trip, per ton - - - - -	*0*	*2*
All boats entirely open, landing or taking on board goods, each -	*0*	*6*

II.—Rates of Goods shipped or unshipped at the Pier.

Ale, beer and porter, per hogshead - - - -	*0*	*6*
Ale (bottled), per barrel - - - - - -	*0*	*4*
Ditto, per dozen bottles - - - - - -	*0*	*1*
Anchors, per cwt. - - - - - - -	*0*	*9*
Anchor stock, per foot run - - - - - -	*0*	*2*
Bark, per ton - - - - - - - -	*2*	*0*

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	s.	*d.*
Bedding, per bundle	*0*	*3*
Beef or pork, per cwt.	*0*	*3*
Ditto, per barrel	*0*	*6*
Biscuit or bread, per cwt.	*0*	*3*
Blubber, per ton of 252 gallons	*3*	*0*
Bones and bone dust, per ton	*1*	*6*
Bottles, per gross	*0*	*9*
Bricks, per 1,000	*1*	*6*
Butter and lard, per barrel	*0*	*6*
Ditto, per firkin	*0*	*3*
Cables, iron or hempen, per ton	*3*	*0*
Canvas, per bolt	*0*	*1*
Casks (empty), not being returned packages, per puncheon	*0*	*3*
Other casks in proportion.		
Cattle :—		
Bulls, cows, and oxen, each	*3*	*0*
Calves, each	*1*	*0*
Horses, each	*4*	*0*
Pigs, each	*0*	*6*
Sheep, each	*1*	*0*
Chalk, per ton	*1*	*0*
Cheese, per cwt.	*0*	*4*
Chimney pots, each	*0*	*3*
Clay, per ton	*1*	*0*
Cloth, haberdashery, &c., per package not exceeding cwt.	*0*	*6*
Carriages :—		
Chaises and other four-wheeled carriages, each	*7*	*6*
Gigs, carts, and other two-wheeled carriages, each	*5*	*0*
Hand-carts and perambulators, each	*1*	*0*
Coals, per ton	*1*	*0*
Copper, per ton	*3*	*0*
Cordage, per cwt.	*0*	*3*
Cork, per cwt.	*0*	*6*
Corpses, each	*20*	*0*
Crystal, per box or package	*0*	*6*
Dogs, each	*0*	*6*
Drugs (in casks, hampers, or boxes), per foot	*0*	*2*
Earthenware (in casks, hampers, or boxes), per foot	*0*	*2*
Earthenware (in crates), per foot	*0*	*1*
Eggs, per box	*0*	*3*
Fish (dried and salted), per cwt.	*0*	*3*
Ditto, fresh (not enumerated), per cwt.	*0*	*2*
Flax, per ton	*2*	*0*
Flour and meal, per sack	*0*	*4*
Ditto, per barrel	*0*	*3*
Fruit, per bushel or sieve	*0*	*4*
Furniture (household), per 5 cubic feet	*0*	*4*
Glass, per large crate	*1*	*6*
Ditto, per small crate or case	*1*	*0*
Ditto, per box	*0*	*6*
Grains and seeds, per quarter	*0*	*6*
Groceries (not enumerated)	*0*	*6*
Guano, per ton	*1*	*6*
Gunpowder, per barrel or keg	*0*	*6*
Hams, bacon, or tongues, per cwt.	*0*	*4*
Hardware, per ton	*2*	*6*
Hares and rabbits, per dozen	*0*	*4*

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	s.	d.
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides :—		
Ox, cow, or horse (wet or dry), each	0	2
Iron :—		
Bar, bolt, rod and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6½
Milk, per gallon	0	0
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins :—		
Calf, goat, sheep, lamb or dog, per dozen	0	6
Slates, per ton, of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton, of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4

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	s.	*d.*
Vinegar, per hogshead	*0*	*6*
Vitriol, per carboy	*1*	*0*
Water, per cask	*0*	*3*
Wine, per hogshead	*1*	*0*
Ditto, bottled, per dozen bottles	*0*	*2*
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	*1*	*6*
Oak or wainscot, per load of 50 feet	*2*	*0*
Firewood, per 216 cubic feet fathom	*1*	*6*
Laths and lathwood, per fathom of 216 cubic feet	*2*	*6*
Handspikes, per 120	*3*	*0*
Oars, per 120	*5*	*0*
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	*5*	*0*
Ditto, 2½ inches in diameter and under, per 120	*4*	*0*
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	*9*	*0*
Ditto, above 4 and under 6 inches in diameter, per 120	*14*	*0*
Spokes of wheels, not exceeding 2 feet in length, per 120	*2*	*0*
Ditto, exceeding 2 feet in length, per 120	*3*	*0*
Trenails, per 1,000	*2*	*6*
Wedges, per 1,000	*2*	*6*
Pine staves, and others in proportion, per 120	*2*	*6*
Lignum vitæ, fustic, logwood, mahogany and rosewood, per ton	*2*	*0*
Wool, per cwt.	*0*	*4*
Yarn, per cwt.	*0*	*2*

All other Goods not particularly enumerated above.

	s.	*d.*
Light goods, per cube foot	*0*	*1*
Heavy goods, per ton	*2*	*0*

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st. *Rates of Craneage.*

	s.	*d.*
All goods or packages not exceeding 1 ton	*0*	*4*
Exceeding 1 ton and not exceeding 2 tons	*0*	*6*
„ 2 tons „ 3 tons	*0*	*8*
„ 3 tons „ 4 tons	*0*	*10*
„ 4 tons „ 5 tons	*1*	*0*
„ 5 tons „ 6 tons	*1*	*2*
„ 6 tons „ 7 tons	*1*	*4*
„ 7 tons „ 8 tons	*1*	*6*
„ 8 tons „ 9 tons	*1*	*10*
„ 9 tons „ 10 tons	*2*	*4*
„ 10 tons	*3*	*6*

2nd. *Weighing Machines.*

	s.	*d.*
For goods weighed, for each ton or part of a ton	*0*	*2*

Cromer.

3rd. *Shed Dues.*

	s.	d.
For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier, for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel or other article of passengers' luggage, for each day or part of a day, per package - -	*0*	*2*

IV.—Rates for supplying Water on Pier.

	s.	d.
Water, per 1,000 gallons - - - - - -	*10*	*0*

V.—Rates on Passengers and Promenaders using the Pier.

	s.	d.
For every passenger or other person who shall land on the Pier from, or embark from it on board of, any ship, vessel, packet or passage-boat, for each and every time any sum not exceeding - - -	*0*	*6*
For every person who shall use the Pier for the purpose of walking for exercise, pleasure or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding -	*0*	*4*
For every bath or sedan chair taken on the Pier, for each and every time not exceeding - - - - - -	*0*	*6*
For every perambulator - - - - - -	*0*	*2*
For every master of any vessel, boat or wherry, being an inhabitant of the parish of Cromer, and using the said Pier for the purpose of going to or returning from his own vessel, boat or wherry, an annual sum not exceeding - - - - - -	*20*	*0*

VI.—Rates on Passengers' Luggage.

	s.	d.
For every trunk, portmanteau, box, parcel or other package within the description of luggage, not exceeding 28 lbs. - - -	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs. - - - -	*0*	*4*
Over 84 lbs. and not exceeding 112 lbs. - - - -	*0*	*5*
Over 112 lbs. and not exceeding 140 lbs. - - - -	*0*	*6*
Over 140 lbs. and not exceeding 196 lbs. - - - -	*0*	*7*
Over 196 lbs. and not exceeding 2 cwt. - - - - - -	*0*	*8*
And for every cwt. beyond - - - - - -	*0*	*4*
And for every 20 lbs. weight in addition - - - -	*0*	*1*

Dingwall.

DINGWALL.

Order for the Management and Improvement of the Harbour of Dingwall, in the County of Ross.

Repeal of certain Sections of Act 5 Geo. 4. c. 93.

1. From and after the first day of August one thousand eight hundred and sixty-seven, the Sections of the Local Act, fifth George the Fourth, chapter ninety-three, relating to the harbour of Dingwall (in this Order termed "the

Local Act"), which are specified in the Schedule (A.) annexed to this Order, and the Schedule to the said Act, shall be and are hereby repealed, and this Order shall commence and take effect.

Appointment and incorporation of Commissioners.

2. The magistrates and town council of the burgh of Dingwall, and their successors in office, shall be the commissioners for carrying this Order into execution, and shall be and are hereby, for the purposes of this Order, incorporated by the name of "the Dingwall Harbour Commissioners"; and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, lease, take, hold, and dispose of lands andother property for the purposes but subject to the restrictions of this Order.

Interpretation.

3. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated therewith shall have the same respective meanings, and in this Order and in the said Acts as incorporated therewith the following expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions respectively; that is to say, the expression "the Special Act" shall mean this order; the expression "the Harbour" shall mean the harbour of Dingwall and the works in and connected therewith; and the expression "the Commissioners" shall mean the Dingwall Harbour Commissioners incorporated by this Order.

Harbour and works vested in the Commissioners.

4. From and after the first day of August one thousand eight hundred and sixty-seven, all the estate, right, and interest and all the powers of the magistrates and town council of the burgh of Dingwall in or over the Harbour of Dingwall, and in, over, or in respect of the lands, works, wharves, property, rights, and privileges connected therewith, shall be and are hereby vested in the Commissioners, subject to the debts, contracts, obligations, and liabilities affecting the same; and the said harbour and works shall thereafter be maintained, repaired, regulated, extended, and improved by the Commissioners, under the authority and subject to the provisions of this Order and the Acts incorporated therewith.

Harbour to be a separate trust.

5. The Harbour and works and property connected therewith and the revenues thereof shall be held and managed by the Commissioners as a distinct trust, and separate from the common good, property, and revenues of the Burgh of Dingwall.

Provision for payment of debts and money.

6. Any money borrowed on the credit or security of the harbour rates and duties leviable under the authority of the Local Act, and all other debts and money due or payable by the Magistrates and Council of Dingwall in relation to the harbour, at the first day of August one thousand eight hundred and sixty-seven, shall be payable and paid by the Commissioners; and all harbour rates and duties, and arrears of harbour rates and duties, and all other debts and money, principal or interest, belonging, due, or payable to the said magistrates and council in relation to the Harbour at the same date shall be payable to the Commissioners, and shall be recoverable by them in the same way as such rates and duties and arrears of rates and duties and other debts and money would or might have been payable to or recoverable by the said Magistrates and Council if this Order had not been made.

Conveyances and contracts to remain in force.

7. All conveyances, contracts, and other deeds granted by, to, or in favour of the said Magistrates and Council, in relation to the Harbour, shall be and remain as valid and effectual as if this Order had not been made, and may be enforced by and against the Commissioners in the same way and to the same extent and

Dingwall.

effect as such conveyances, contracts, and other deeds might or could have been enforced by or against the said Magistrates and Council if this Order had not been made.

Incorporation of Commissioners Clauses Act.

8. "The Commissioners Clauses Act, 1847," so far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) Sections six and seven, and Sections 17 to 35, both inclusive, of the said Act, shall not be incorporated with this Order:

(2.) With reference to Section 37 of the said Act, the Provost of the Burgh of Dingwall, for the time being, shall ex-officio be the chairman of the Commissioners:

(3.) Section 54 of the said Act shall not be incorporated with this Order:

(4.) With reference to Section 84 of the said Act, the sum to be every year appropriated and set apart out of the rates as a sinking fund shall not be less than one-fiftieth part of the principal moneys borrowed, such appropriation to commence from the first day of August one thousand eight hundred and seventy-two:

(5.) With reference to Section 90 of the said Act, it shall not be obligatory on the Commissioners to cause the statement and account therein mentioned to be printed:

(6.) With reference to Section 92 of the said Act, the Sheriff of the County of Ross, or the Sheriff-substitute at Dingwall, shall from time to time, on the application of the Commissioners, appoint a properly qualified person, not being one of the Commissioners or holding office under them, to be the permanent Auditor of the accounts of the Commissioners; and if the office of such Auditor become vacant by death, or any other cause, the said Sheriff or Sheriff-substitute shall from time to time, on the application of the Commissioners, appoint a person properly qualified as aforesaid to supply such vacancy.

Undertakers.

9. The Commissioners shall be the undertakers of the works authorized by this Order.

Limits of harbour.

10. The limits within which the Commissioners shall have authority, and which shall be deemed the limits to which this Order extends, shall comprise the Harbour and works by this Order vested in the Commissioners or authorised to be executed, and the lands, foreshore, and sea on which the same are or may be situate, and shall extend along the Firth of Cromarty and the channel of the River Conon, from the one extremity of the Royalty of the Burgh of Dingwall to the other.

Power to take lands by agreement.

11. For the purposes of the works authorized by this Order the Commissioners may from time to time by agreement enter on, take, and use such lands in and around the Harbour as may be required for the said works, not exceeding in the whole eight acres.

Incorporation of Lands Clauses Acts.

12. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Dingwall.

Power to execute works.

13. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before completion of the works in order to prevent injury to navigation, the Commissioners may, on the lands vested in or purchased or acquired by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the works shown on the deposited plan and sections, and herein-after described.

Description of works.

14. The works authorized by this Order comprise the following:—

First.—A new cut or entrance channel to the Harbour, commencing near the lower end of the existing wharf on the south-west side of the Harbour, and terminating at or near low-water mark in the channel of the River Conon, near the lower end of the middle bank:

Second.—An embankment and track-path, commencing near the lower end of the existing wharf, and extending along the south side of the said new cut or entrance channel, for a distance of three hundred and seventy-five yards or thereabouts, with a continuation of the said embankment sloped down to low-water mark in the channel of the River Canon:

Third.—A bridge over the Dingwall Canal, at or near the upper end of the said existing wharf:

Fourth.—An extension seawards of the said existing wharf on the south-west side of the Harbour, and a new quay or wharf on the north-east side of the Harbour opposite to the said existing quay or wharf:

Fifth.—An embankment or extension seawards and widening of the north-east bank of the Dingwall Canal.

Further powers as to works.

15. The Commissioners may also make, execute, and maintain the following works authorized by this Order:—

First.—All piers, jetties, landing places, roads, approaches, and other works and conveniences connected with the new cut or entrance channel, wharves, embankments, and bridge before described:

Second.—The sufficient and effectual dredging, scouring, cleansing, and removing of any banks of sand or mud within or adjoining the Harbour or works, or in the new entrance channel and approaches to the Harbour.

Abandonment of portions of Dingwall Canal.

16. The following portions of the Dingwall Canal shall be abandoned and disused for the purposes of navigation or of the Harbour; that is to say:—

First.—The portion of the said canal situate between the bridge, commonly called Peter's Bridge, at the extreme land-ward or west-end of the said canal, and the upper end of the said existing wharf on the south-west side of the Harbour, but without prejudice to the rights of the Commissioners, or of the said Magistrates and Town Council as representing the community of the said Burgh and as acting under the Local Act, to the River Peffery and the diversion thereof from the said canal, as occasion may require:

Second.—The portion of the said canal situate between the point herein-before described as the commencement of the said new cut or entrance channel and the River Conon.

Power to levy rates.

17. The Commissioners may demand and receive in respect of vessels, animals, fish, and goods described in the Schedule (B.) annexed to this Order, any sums not exceeding the several rates specified in the said Schedule.

Dingwall.

Certain fishing vessels under stress of weather exempt from rates.

18. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the Harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Customs officers.

19. Officers of Customs, being in the execution of their duty, shall, at all times, have free ingress, passage, and egress to, through, and out of the Harbour and the works of the Commissioners by land, and with their vessels and otherwise, without payment.

Rates may be leased.

20. The Commissioners may, from time to time, lease the rates authorized by this Order for any period not exceeding three years, and for such rent or consideration, and on such terms and conditions, as they think fit; and the lessee shall have and may exercise, during the continuance of his lease, the same powers of levying and recovering the said rates as the Commissioners have or might exercise under "The Harbours, Docks, and Piers Clauses Act, 1847," and this Order.

Borrowing powers.

21. The Commissioners may, from time to time, borrow on mortgage such money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of six thousand pounds, on the security of the Harbour and works and lands and property connected therewith by this Order vested in the Commissioners, and of the lands and property and works to be purchased and acquired and executed by them under the authority of this Order, and of the rates authorized by this Order, and any other property of the Commissioners; and any money borrowed under the authority of this Order and discharged otherwise than by means of the sinking fund may be reborrowed if required for the purposes of this Order, and so toties quoties.

Borrowed money may be repaid by instalments.

22. In any mortgage or assignation in security to be granted by the Commissioners for money borrowed under the authority of this Order, provision may be made for the repayment of the principal money so borrowed within any period not exceeding forty years from the date of the loan, by such instalments as may be agreed on between the Commissioners and the lenders; and the Commissioners shall not be required to appropriate or set apart any sum as a sinking fund in respect of any principal monies which are repayable by such instalments.

Commissioners may borrow on cash account.

23. The Commissioners may accept and take from any bank or banking company in Scotland credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are by this Order authorized to borrow, or any part thereof, and may assign the rates authorized by this Order in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon: Provided, that the whole principal sums due and owing by the Commissioners on such cash account and for money borrowed by them on mortgage shall never, when taken together, exceed the said sum of six thousand pounds.

Form of assignations in security and transfers.

24. The mortgages or assignations in security to be granted by the Commissioners for money borrowed under the authority of this Order, and all transfers thereof, may be in the forms contained in the Schedule (B.) annexed to "The Burgh Harbours (Scotland) Act, 1853," or to the like effect.

Application of borrowed money.

25. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and income.

26. The Commissioners shall apply all money received by them from the rates authorized by this Order, and all other money (not being money raised on mortgage or otherwise in the nature of capital) coming into their hands in respect of the Harbour and works by this Order vested in or authorized to be executed by the Commissioners, for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying year by year the interest (if any) accruing on money borrowed under the authority of the local Act:

(3.) In paying the expense of the maintenance, repair, management, and regulation of the Harbour:

(4.) In paying year by year the interest accruing on money borrowed under this Order:

(5.) In paying the cost of the works authorized by this Order, and of the lands and property to be purchased and acquired for the purposes thereof, and generally in paying any expense incurred in improving the Harbour:

(6.) In creating a sinking fund, in the manner, and in so far as the nature and circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847," as varied by this Order.

Application of capital.

27. The Commissioners shall apply all money in the nature of capital (and not being mortgage money) received by them under this Order for the like purposes and in the like manner as directed by the provisions respectively numbered 5 and 6 of the last preceding clause of this Order, with reference to money to which that clause relates and which may remain after payment of interest on money borrowed under this Order.

Commissioners may provide dredges, engines, &c.

28. The Commissioners may, for the purposes of the Harbour, or any of them, from time to time purchase, provide, lease, or hire, such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials, as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell and dispose of the same, and the money thereby realized shall be applied for carrying into effect the purposes of this Order or some of them.

Pilotage, lights, buoys, and beacons.

29. The Commissioners shall be a pilotage authority and local authority, within the meaning of "The Merchant Shipping Act, 1854," and the Acts amending the same, and shall have all powers conferred by those Acts on pilotage authorities and on local authorities.

Meters and weighers.

30. The Commissioners shall have the appointment of meters and weighers within the limits of the Harbour.

Lands for extraordinary purposes.

31. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Exception of parts of Harbours Clauses Act.

32. Sections 16, 17, 18, 19, 25, and 26 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Dingwall.

Saving rights under Crown Lands Act, 1866.

33. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short title.

34. This Order may be cited as "The Dingwall Harbour Order, 1867."

SCHEDULES to which the foregoing Order refers.

SCHEDULE (A).

Title of Local Act.	Sections repealed.
An Act for maintaining the Harbour of the Burgh of Dingwall and regulating the police of the said burgh.—5 Geo. IV., chapter 93.	Sections 1 to 22 both inclusive, and Section 41, and the Schedule annexed to the Act.

SCHEDULE (B).

I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR.

	Per register ton. *s.*	*d.*
For every vessel under the burden of fifteen tons - - - -	*0*	*4*
For every vessel of the burden of fifteen tons, and under fifty tons -	*0*	*6*
For every vessel of the burden of fifty tons, and under one hundred tons - - - - - - -	*0*	*8*
For every vessel of the burden of one hundred tons, and under one hundred and fifty tons - - - - - -	*0*	*10*
For every vessel of the burden of one hundred and fifty tons and upwards - - - - - - -	*1*	*0*
All lighters from any vessel in the roads shall be exempted from rates; but if the vessel do not enter the harbour, every lighter shall pay for each trip - - - - - - -	*0*	*2*
All boats, entirely open, landing or taking on board goods or dried or salted fish, one shilling each.		
All drave or large boats entering the harbour or precincts thereof with fresh fish, fourpence each.		

II.—RATES ON ANIMALS, FISH, AND GOODS SHIPPED, UNSHIPPED, OT TRANSHIPPED WITHIN THE HARBOUR.

		s.	*d.*
Albertite or bitumen - - - - -	per ton	*1*	*6*
Ale - - - - - - -	per hogshead	*0*	*6*
Do. bottled - - - -	per barrel bulk	*0*	*3*
Bark - - - - -	per ton	*1*	*8*

Dingwall.

		s.	d.
Beef or pork	per ton	1	4
Do.	per barrel	0	2
Blubber	per tun of 252 gallons	1	0
Bone dust	per ton	2	0
Bones of cattle	per ton	0	6
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Casks:—			
Empty, not being returned packages	per puncheon	0	3
Other casks, in proportion.			
Cattle:—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Chimney cans	per 100	1	4
Clay, fire, manufactured	per ton	0	6
Do., common	per ton	0	2
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coaches:—			
Chaises, and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coal—Scotch, English, smithy, or Culm	per ton	1	0
Copper	per ton	2	0
Coprolites	per ton	2	0
Corks	per barrel bulk	0	3
Corn:—			
Wheat and Malt	per quarter	0	3
Barley, oats, rye, beans, peas, tares, buckwheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	2	0
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	4
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish:—			
Dried and salted	per ton	2	6
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0	2
Flax	per ton	2	6
Flour	per sack	0	3
Do.	per barrel	0	1½
Glass	per barrel bulk	0	3
Groceries:—almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, rasins, and the like	per barrel bulk	0	3
Guano	per ton	2	0
Gunpowder	per barrel	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	1	0
Hemp	per ton	2	6

Dingwall.

		s.	d.
Herrings :—			
Fresh	per cran	*0*	*1*
Cured	per barrel	*0*	*3*
Hides :—			
Ox, cow, or horse, salted or dried	per ton	*3*	*4*
Calf skins	per 120	*0*	*10*
Sheep skins	per 120	*0*	*10*
Lamb skins	per 120	*0*	*5*
Hoops of wood	per 100	*0*	*1*
Hops	per barrel bulk	*0*	*3*
Household furniture (new)	per barrel bulk	*0*	*3*
Do., belonging to parties changing their residence only,	per 10 barrels bulk	*0*	*6*
Husbandry utensils	per ton	*1*	*4*
Do.	per barrel bulk	*0*	*3*
Iron :—			
Bar, bolt, and rod	per ton	*2*	*0*
Pig or old	per ton	*1*	*0*
Pots and all hollow cast-iron goods	per ton	*2*	*8*
Ditto, commonly called Ironmongery	per ton	*2*	*8*
Kelp	per ton	*1*	*0*
Lead :—All kinds	per ton	*2*	*0*
Leather :—Tanned and dressed	per ton	*1*	*8*
Lime	per chaldron of 16 bolls	*1*	*6*
Limestone	per ton	*0*	*3*
Loam or moulding sand	per ton	*0*	*3*
Machinery	per ton	*1*	*4*
Do.	per barrel bulk	*0*	*3*
Manure :—Street	per ton	*0*	*2*
Meal	per 140 lbs.	*0*	*2*
Musical instruments	per barrel bulk	*0*	*3*
Oils	per tun	*1*	*0*
Ores :—Copper, iron, lead, and others	per ton	*1*	*0*
Passengers' luggage :—			
Not exceeding one barel bulk—free.			
All above one barrel bulk	per barrel bulk	*0*	*3*
Peats	per ton	*0*	*3*
Pitch	per barrel	*0*	*3*
Porter	per hogshead	*0*	*4*
Do., bottled	per barrel bulk	*0*	*2*
Potatoes	per ton	*1*	*0*
Poultry—including pigeons, game, &c.	per dozen	*0*	*1*
Any less quantity		*0*	*0½*
Rags :—			
Linen	per ton	*1*	*8*
Other rags, old ropes, and the like	per ton	*0*	*10*
Rape, cotton, or linseed cakes	per ton	*2*	*0*
Salt	per ton	*0*	*10*
Seeds :—			
Clover	per barrel bulk	*0*	*3*
Flax and Rape	per barrel bulk	*0*	*3*
Flax in bulk	per barrel bulk	*0*	*3*
Garden seeds	per barrel bulk	*0*	*3*
Hemp and canary	per barrel bulk	*0*	*3*
Rye Grass	per 8 bushels	*0*	*3*
Skins :—Seal	per 120	*0*	*8*

Dingwall.

		s.	d.
Slates:—			
Under size	per 1,000	*0*	*8*
Sizeable	per 1,000	*1*	*0*
Over size	per 1,000	*1*	*6*
Soda	per barrel bulk	*0*	*3*
Spirits:—			
Foreign or British, imported	per gallon	*0*	*1*
Do. exported	per gallon	*0*	*0½*
Stones:—			
Rubble	per ton of 16 cubic feet	*0*	*2*
Hewn ashlar freestone	per ton of 16 cubic feet	*0*	*4*
Stones:—			
Rough ashlar freestone	per ton of 16 cubic feet	*0*	*3*
Pavement, not exceeding 3 inches thick	per 70 feet superficial	*0*	*4*
Do. above 3 inches thick	per 16 cubic feet	*0*	*4*
Scythe stones	per score	*0*	*2*
Mill stones	each	*2*	*6*
Burr stones	per ton	*5*	*0*
Steel	per ton	*2*	*0*
Sugar	per ton	*2*	*0*
Tallow	per ton	*2*	*0*
Tar	per barrel	*0*	*3*
Tea	per chest	*0*	*4*
Tiles, roofing	per 1,000	*1*	*0*
Tiles or pipes, for draining	per 1,000	*0*	*8*
Tin of all kinds	per ton	*2*	*0*
Tobacco	per ton	*2*	*6*
Treenails, under 2 feet in length	per 1,000	*1*	*6*
Do. exceeding 2 feet in length	per 1,000	*2*	*6*
Turnips	per ton	*1*	*0*
Turpentine	per hogshead	*0*	*8*
Vegetables	per cart load	*0*	*2*
Vinegar	per hogshead	*0*	*6*
Vitriol	per carboy	*0*	*3*
Whalebone	per ton	*2*	*6*
Whitening	per ton	*1*	*0*
Wine	per hogshead	*1*	*6*
Do. bottled	per barrel bulk	*0*	*6*
Wood:—			
Fir, pine, and other descriptions not enumerated,	per load of 50 feet	*0*	*10*
Oak or Wainscot	per load of 50 feet	*1*	*0*
Fire wood	per fathom of 216 cubic feet	*1*	*6*
Laths or lathwood	per fathom of 216 cubic feet	*1*	*6*
Handspokes	per 120	*3*	*0*
Oars	per 120	*5*	*0*
Spars, under 22 feet in length and above 2½ and under 4 inches in diameter	per 120	*4*	*0*
Spars, 22 feet in length and upwards and not exceeding 4 inches in diameter	per 120	*6*	*6*
Spars of all lengths above 4 and under 6 inches in diameter,	per 120	*12*	*0*
Barrel staves	per 120	*3*	*0*
Spokes of wheels, not exceeding 2 feet in length	per 120	*2*	*0*
Do. exceeding 2 feet in length	per 120	*2*	*6*
Wedges	per 1,000	*2*	*0*
Pipe staves	per 120	*1*	*2*
Hogshead staves	per 120	*1*	*0*

Dingwall.

Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Coalpit props, common	per dozen	0	1½
Do. crowns	per dozen	0	2
Wool	per cwt.	0	6
Yarn	per ton	1	4
Zinc	per ton	2	0
All other goods not particularly enumerated in the above table:—			
Light goods	per barrel bulk	0	2
Heavy goods	per ton	1	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates to be charged.

Five cubic feet not exceeding two and a half hundred weight, to be rated as a barrel bulk, but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds.

1. Cranes:—

	s.	d.
All goods or packages, not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
" 2 tons " 3 tons	0	6
" 3 tons " 4 tons	0	8
" 4 tons " 5 tons	0	10
" 5 tons " 6 tons	1	0
" 6 tons " 7 tons	1	2
" 7 tons " 8 tons	1	4
" 8 tons " 9 tons	1	8
" 9 tons " 10 tons	2	0
" 10 tons	3	0

2. Weighing machines:—

For goods weighed, one penny for each ton or part of a ton.

3. Shed dues:—

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of threepence; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

Girvan.

GIRVAN.

Order for the Amendment of "The Harbour of Girvan Improvement Order, 1865," with respect to the Levying of Rates and to the Borrowing of Money.

Repeal of Clauses 13. and 18. of the Order of 1865.

1. Clauses 13 and 18 of "The Harbour of Girvan Improvement Order, 1865," in this Order called "the Order of 1865," shall be deemed to be expunged therefrom.

Power to levy rates.

2. The Commissioners may demand and receive rates in respect of the vessels, persons, animals, and goods described in the Schedule to the Order of 1865,

subject to the provisions of that Order, and of this Order, and subject and according to the following provisions, namely:—

(1.) Until the Commissioners have expended the sum of six thousand pounds on works authorized by the Order of 1865, they may demand and receive any rates not exceeding in each instance one half of those specified in the Schedule to that Order.

(2.) As soon as they have expended the sum of six thousand pounds on works authorized by the Order of 1865, they may demand and receive any rates not exceeding those specified in the said Schedule:

(3.) As soon as the harbour is completed and fit, at high water of ordinary spring tides, for the reception at all berths or jetties for loading coals, of vessels capable of carrying two hundred tons, they may demand and receive a rate of twopence per ton on all coals shipped within the harbour, in addition to the rate specified in the said Schedule:

Provided, that nothing herein contained shall authorize the Commissioners to levy the anchorage dues which before the commencement of the operation of the Order of 1865 were leviable, but which in terms of that Order have since ceased to be levied at the Harbour of Girvan.

Borrowing power.

3. The Commissioners may, from time to time, borrow on mortgage such money as may be required for the purposes of the Order of 1865, not exceeding in the whole the sum of twenty thousand pounds, on the security of the works authorized by that Order, and of the lands and property connected therewith, and of the rates authorized by that Order and by this Order, or of any of those particulars, or of any other property of the Commissioners; and any money borrowed under the Order of 1865 or this Order, and discharged otherwise than by means of the sinking fund, may be reborrowed if required for the purposes of the Order of 1865, and so *toties quoties:* Provided, that as soon as the said sum of twenty thousand pounds shall be paid off or discharged by means of the sinking fund, the additional rate of twopence per ton on coals, authorized by this Order, shall cease and determine.

Incorporation of part of 10 & 11 Vict. c. 16.

4. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order, subject to the provision that with reference to Section Eighty-four of the said Act the sum to be every year appropriated and set apart out of the rates as a sinking fund shall not be less than one fiftieth part of the principal monies borrowed, such appropriation to commence from the expiration of twelve months after full rates are exigible under this Order.

Application of money to be borrowed, and of rates and income.

5. The Commissioners shall apply all monies borrowed under this Order, or received by them from the rates authorized by the Order of 1856 and by this Order, for the purposes and in the manner directed by the Order of 1865; the interest accruing on money borrowed under this Order and any sum payable on account of the principal thereof, being substituted for the interest accruing on money borrowed under the Order of 1865, and any sum payable on account of the principal thereof.

Girvan.

Incorporation of Order of 1865.

6. The provisions of the Order of 1865 (save the clauses in this Order specified as expunged therefrom) shall remain in full force, and shall be read together with this Order as one Order.

Short title.

7. This Order may be cited as "The Harbour of Girvan Improvement Order, 1867," and this Order and the Order of 1865 may be cited together as "The Harbour of Girvan Improvement Orders, 1865 and 1867."

ROTHESAY.

Rothesay.

Order for the Extension and Construction of Piers, and for the Regulation of the Harbour of Rothesay, in the Burgh of Rothesay and County of Bute.

Undertakers.

1. The Trustees for the Harbour of Rothesay, under the Act of the first and second year of the reign of His late Majesty King William IV., chapter 34, intituled "An Act for improving, repairing, and maintaining the Harbours of the "Burgh of Rothesay in the County of Bute, and for building and maintaining "a Goal, Court House, and Offices for the said Burgh and County," herein-after called the Local Act, as such Trustees are now constituted under the Local Act, taken in connexion with the Act (Public General) of the Fifteenth and Sixteenth year of the reign of Her present Majesty, chapter 32, intituled "An Act to alter and amend certain Provisions in the Laws relating to the "Number and Election of Magistrates and Councillors in the Burghs in Scotland," shall be the Undertakers under this Order.

Power to take land by agreement.

2. For the purposes of the works authorized by this Order, the Undertakers may from time to time, by agreement, enter on, take, and use all or any part of the lands within the limits of deviation shown on the plans deposited for the purposes of this Order.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Works.

4. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans deposited for the purposes of this Order as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Undertakers may, in the lines and according to the levels, and within the limits of deviation shown on the plans and sections deposited for the purposes of this Order, make and maintain the works shown on the deposited plans.

Description of works.

5. The works authorized by this Order comprise the following:

An increase of the breadth of the front or north pier of the said harbour of Rothesay to the extent of 30 feet, or thereby, additional on the north side thereof; and an extension of the said pier in a north-westerly direction to a point in a line with the western boundary of the west pier of the said harbour, and distant 115 feet or thereby from the northern extremity of the said boundary:

Rothesay.

A wharf or pier extending from the north-western extremity of the said north pier, as so extended, 256 feet or thereby in a north-westerly direction to a point opposite to and at a distance of 250 feet or thereby from the north-west corner of the ship-building yard the property of the burgh of Rothesay:

The filling up and embankment of the space between the said wharf or pier and Victoria Street:

A small boat slip at or near the north-west extremity of the said wharf or pier:

The deepening, cleansing, and scouring of the said whole harbour, and particularly of the outer or east harbour, and the entrance thereto:

With all necessary additional approaches, warehouses, sheds, offices, cranes, weighing machines, and other necessary works and conveniences.

Time for completion of works.

6. The time for the completion of the works authorized by this Order shall be seven years after the passing of the Act confirming this Order.

Limits of harbour. 9 & 10 Vict. c. 299.

7. And whereas by an Act passed in the ninth and tenth year of the reign of Her present Majesty intituled "An Act for regulating the Municipal Government and Police of the Royal Burgh of Rothesay," it was enacted that the jurisdiction for the purposes of the said Act of the provost and bailies and Procurator Fiscal of Rothesay, and of all the officers appointed under the said Act, should extend over the whole territory of the said burgh of Rothesay, and over the piers and harbours thereof, and over all boats and vessels in the said harbours and at the said piers, or lying within five hundred yards of the shore of said burgh, and over all persons and things on board of such boats and vessels; the limits of the harbour for the purposes of this Order shall include the whole works and property of the Trustees, and shall otherwise be co-extensive seaward with the jurisdiction conferred by the said Act, notwithstanding any other boundary of the harbour which may be laid down on any plan deposited with reference to this Order.

Application of Local Act to this Order.

8. The whole provisions of the Local Act, so far as applicable and not altered by this Order, shall extend and be applicable to the works hereby authorized and to the area of the harbour as herein defined.

Application of the Harbours, Docks, and Piers Clauses Act.

9. "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, excepting in so far as regards the provisions with respect to the construction of the works hereby authorized, and the saving of rights sections of the Act.

Trustees may levy rates.

10. The Trustees may demand and receive, for the use of the works hereby authorized to be constructed, on all ships, brigs, sloops, barges, lighters, yachts, steam vessels, steamboats, or other vessels or boats, entering or arriving at or using the said harbours or piers, or any of them, the rates, dues, and duties by the Local Act authorized to be levied for and at the said harbours, as modified by "The Harbours and Passing Tolls, &c. Act, 1861," to be levied, to the same extent, and by the same process, and in the same way and manner in all respects as the rates, dues, and duties leviable under the Local Act as so modified are and may be levied, demanded, and received.

Rates for use of cranes, &c.

11. The Trustees may also levy and take, for the use of all cranes, weighing machines, and other conveniences on any of their piers, any rates not exceeding those specified in the Schedule to this Order annexed.

Rothesay.

Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of any of the works of the Trustees, and not breaking bulk when in use thereof, be exempt from the rates leviable under the Local Act and this Order.

Power to borrow.

13. For the purpose of the purchase of lands and property, and for the execution of the works hereby authorized, the Undertakers may, over and above any sums of money borrowed or to be borrowed under the authority of the Local Act, borrow and take up at interest on the credit of the whole rates, dues, and duties leviable by them under the Local Act and this Order, and of the other property vested in them, and in the manner by the Local Act provided or otherwise, any sum or sums of money not exceeding twenty-one thousand pounds, and, on any part of the same being repaid, re-borrow the same, if necessary.

Application of money borrowed.

14. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by the Local Act and this Order, and for payment of the expenses of this Order.

Exemption of Custom House officers from rates.

15. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, to, over and from the harbour, pier, and works to which this Order relates, by land and with their vessels, without payment.

Power to purchase, lease, provide, or hire steam or other dredges, &c.

16. The Trustees may, for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam-tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit; and may from time to time, as they think fit, sell and dispose of such dredges, tugs, vessels, diving bells, plant, and materials aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of the Local Act and this Order, or some of them.

Saving rights of mortgagees under Local Act.

17. Nothing in this Order contained shall prejudice any security given for any money borrowed under the Local Act and which may remain due at the time of the passing of the Act confirming this Order, and every security so given shall have priority over every security given for money borrowed under this Order.

Saving rights under Crown Lands Act, 1866.

18. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Short title.

19. This Order may be cited as "The Rothesay Harbour Order, 1867."

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Rothesay.

SCHEDULE referred to in the foregoing Order.

RATES FOR THE USE OF CRANES, WEIGHING MACHINES, &c.

I.—*Cranes.*

	s.	d.
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
" 2 tons " 3 tons	0	8
" 3 tons " 4 tons	0	10
" 4 tons " 5 tons	1	0
" 5 tons " 6 tons	1	2
" 6 tons " 7 tons	1	4
" 7 tons " 8 tons	1	6
" 8 tons " 9 tons	1	10
" 9 tons " 10 tons	2	4
" 10 tons	3	6
Or, in lieu of the above rates,		
For each hour or part of an hour	1	0

II.—*Weighing Machines.*

	s.	d.
For goods weighed, for each ton or part of a ton	0	2

III.—*Gangways.*

	s.	d.
For each horse	0	9
For each bull, cow, ox, or calf	0	6
For each score or part of a score of sheep	0	6
For each pig, or other animal not here specified	0	3

IV.—*Shed Dues.*

	s.	d.
For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt. which shall remain in the sheds or on the pier for a longer time than 48 hours, for the first day or part of a day	0	3
And for each day thereafter, per ton	0	1½
For each portmanteau, trunk, parcel or other article of passengers luggage, for each day or part of a day	0	2

SEAFORD.

Seaford.

Order for the Construction, Maintenance, and Regulation of a Pier at Seaford in the County of Sussex.

Incorporation of Company.

1. The following persons, namely, Henry Winter, James Hutton, and Thomas Hutchings, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the Pier and Works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Seaford Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with

Seaford.

with power to purchase take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The Seaford Pier Company, hereinafter called the Company, shall be the undertakers of the Works authorized by this Order.

Incorporation of Clauses Acts.

3. " The Companies Clauses Consolidation Act, 1845," and Part I. of " The Companies Clauses Act, 1863," are hereby incorporated with this Order.

Capital.

4. The capital of the Company shall be *five thousand* pounds, in *five hundred* shares of *ten* pounds each.

Shares not to be issued until one fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than *one-fifth* part of the amount of such share has been paid up in respect thereof.

Calls.

6. No call shall exceed *two* pounds *ten* shillings a share, or be made payable within three months of a previous call.

Power to create preference shares.

7. The Company, with the sanction of at least three fifths in value of the votes of the Shareholders, present in person or by proxy, at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding *five* pounds per centum per annum in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company, from time to time, may borrow on mortgage, at interest, any sum or sums of money, not exceeding in the whole *one thousand six hundred* pounds, but no money shall be so borrowed until the whole of the capital of *five thousand* pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the justice who certifies under Section 40 of " The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued *bonâ fide*, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The Mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a Receiver, and the amount to authorize a requisition for a Receiver is *five hundred* pounds.

No interest on dividend on calls.

10. The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any Shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any Shareholder interest on money advanced by him beyond the amount of calls actually made, in conformity with the provisions of " The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11. The Company shall not, out of any money so raised, pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first general meeting of the Company shall be held, within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the Directors determine.

Number of Directors.

14. The number of Directors shall not be more than *six* or less than *three.*

Quorum of Directors.

15. The quorum of a meeting of Directors shall be *two.*

First Directors.

16. Henry Winter, James Hutton, Thomas Hutchings, with such other Shareholders (if any) as they add to their number, shall be the first Directors; and the first Directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and Directors shall be elected by the meeting, the retiring Directors being eligible.

Qualification.

17. The qualification of a Director elected by the Shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least *one hundred* pounds.

Remuneration.

18. The remuneration of the Directors shall, from time to time, be fixed by a general meeting, and shall be divided among the Directors as they determine.

Power to take lands by agreement.

19. For the purposes of the Works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all such parts of the lands shown on the deposited plans as they think requisite for the purposes of the proposed Pier and Works, and the conveniences connected therewith.

Incorporation of Lands Clauses Act.

20. "The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order.

Power to make Works.

21. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited Plan, as the Board of Trade require from time to time before the completion of the Works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plan and section (as far as the same are shown thereon), and within the limits of deviation shown on the Plan, make and maintain the Pier and Works authorized by this Order.

Description of works authorized.

22. The Works authorized by this Order comprise the following:—

> A Promenade Pier at Seaford in the County of Sussex, with a Landing Place and all necessary works and conveniences for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point at or near high water mark, situate eight chains, or thereabouts, west of the west side of Seaford Battery, in the Parish of Seaford, otherwise Meeching, in the County of Sussex, and extending from such point of commencement into the sea, in a south-westerly direction, a distance of four hundred and fifty feet or thereabouts.

Power to take rates according to Schedule to this Order.

23. The Company may demand and receive in respect of the vessels, goods, persons and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United

Seaford.

Kingdom, shall, when forced by stress of weather to make use of the Pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the Pier.

25. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the Pier, on such terms and for such a period, not exceeding *one* year, as are agreed on, but so that no preference be given to any person. Such pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding *twenty* shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Custom House officers exempt from rates.

26. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the Pier, by land and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

27. The Company shall not purchase, for extraordinary purposes, lands exceeding in extent, in the whole, *three* acres.

Meters and Weighers.

28. The Company shall have the appointment of Meters and Weighers on, or in connexion with, the Pier.

Parts of Harbours, &c., Act, 1847, excepted.

29. The following sections of "The Harbours Docks and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, Sections Sixteen to Nineteen, and Twenty-one to Twenty-three, all inclusive.

Steam engines, diving bells, lighters, &c.

30. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels and things, as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 and 25 Vict. c. 47. to apply.

31. Part V. of "The Harbours and Passing Tolls, &c., Act, 1861," shall apply to the Works authorized by this Order.

Restriction on use of Pier.

32. Nothing in this Order shall entitle any person, with any vessel or boat, to ship or unship at the Pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the Pier for recreation, or for the embarking or landing of passengers.

Saving of rights under Crown Lands Act, 1866.

33. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Short Title.

34. This Order may be cited as "The Seaford Pier Order, 1867."

SCHE-

SCHEDULE to which the foregoing Order refers.

Seaford.

I.—RATES ON VESSELS USING THE PIER.

	s.	d.
For every vessel under the burden of 15 tons	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
All lighters, for each trip, per ton	*0*	*2*
All boats, entirely open, landing or taking on board goods, each	*0*	*6*

II.—RATES OF GOODS SHIPPED OR UNSHIPPED AT THE PIER.

	s.	d.
Ale, beer, and porter, per hogshead	*0*	*6*
Ale (bottled), per barrel	*0*	*4*
Ditto, per dozen bottles	*0*	*1*
Anchors, per cwt.	*0*	*9*
Anchor stock, per foot run	*0*	*2*
Bark, per ton	*2*	*0*
Bedding, per bundle	*0*	*3*
Beef or pork, per cwt.	*0*	*3*
Ditto, per barrel	*0*	*6*
Biscuit or bread, per cwt.	*0*	*3*
Blubber, per tun of 252 gallons	*3*	*0*
Bones and bone dust, per ton	*1*	*6*
Bottles, per gross	*0*	*9*
Bricks, per 1,000	*1*	*6*
Butter and lard, per barrel	*0*	*6*
Butter, per firkin	*0*	*3*
Cables, iron or hempen, per ton	*3*	*0*
Canvas, per bolt	*0*	*1*
Casks (empty), not being returned packages, per puncheon	*0*	*3*
Other casks in proportion.		
Cattle:—		
Bulls, cows, and oxen, each	*3*	*0*
Calves, each	*1*	*0*
Horses, each	*4*	*0*
Pigs, each	*0*	*6*
Sheep, each	*1*	*0*
Chalk, per ton	*1*	*0*
Cheese, per cwt.	*0*	*4*
Chimney pots, each	*0*	*3*
Clay, per ton	*1*	*0*
Cloth, haberdashery, &c., per package not exceeding 1 cwt.	*0*	*6*
Carriages:—		
Chaises and other four-weeeled carriages, each	*7*	*6*
Gigs, carts, and other two-wheeled carriages, each	*5*	*0*
Hand carts and perambulators, each	*1*	*0*
Coals, per ton	*1*	*0*
Copper, per ton	*3*	*0*
Cordage, per cwt.	*0*	*3*
Cork, per cwt.	*0*	*6*

Seaford.

	s.	d.
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries (not enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3

Seaford.

	s.	d.
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	2
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto bottled, per dozen bottles	0	2
Wood:		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto, 2½ inches in diameter and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe staves and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

Seaford.

All other goods not particularly enumerated above.

	s.	d.
Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1st, Rates of Craneage.

	s.	d.
All goods of packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
Exceeding 2 tons and not exceeding 3 tons	0	8
Exceeding 3 tons and not exceeding 4 tons	0	10
Exceeding 4 tons and not exceeding 5 tons	1	0
Exceeding 5 tons and not exceeding 6 tons	1	2
Exceeding 6 tons and not exceeding 7 tons	1	4
Exceeding 7 tons and not exceeding 8 tons	1	6
Exceeding 8 tons and not exceeding 9 tons	1	10
Exceeding 9 tons and not exceeding 10 tons	2	4
Exceeding 10 tons	3	6

2nd, Weighing Machines.

	s.	d.
For goods weighed, for each ton or part of a ton	0	2

3rd, Shed Dues.

	s.	d.
For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2

IV.—Rates for supplying Water on Pier.

	s.	d.
Water, per 1,000 gallons	10	0

V.—Rates on Passengers and Promenaders using the Pier.

	s.	d.
For every passenger or other person who shall land on the pier from, or embark from it, on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	4
For every Bath or sedan chair taken on the pier, for each and every time, not exceeding	0	6
For every perambulator	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Seaford, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0

Seaford.

VI.—Rates on Passengers' Luggage.

	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs. - - - -	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs. - - - -	*0*	*4*
Over 84 lbs. and not exceeding 112 lbs. - - - - -	*0*	*5*
Over 112 lbs. and not exceeding 140 lbs. - - - -	*0*	*6*
Over 140 lbs. and not exceeding 196 lbs. - - -	*0*	*7*
Over 196 lbs. and not exceeding 2 cwt. - - - -	*0*	*8*
And for every cwt. beyond - - - - - -	*0*	*4*
And for every 20 lbs. weight in addition - - - -	*0*	*1*

SOUTHPORT.

Southport.

Order for the Construction, Maintenance, and Regulation of a Pier at Southport, in the Port of Liverpool, and County of Lancaster.

The undertakers.

1. The Southport (Alexandra) Pier and Arcade Company, (Limited,) shall be the undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the plans deposited for the purposes of this Order as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. "The Lands Clauses Consolidation Act, 1845," except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are hereby incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before completion of the works in order to prevent injury to navigation, the company may, on the lands taken by them under this Order, and on the lines and according to the levels, and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of works.

5. The works authorized by this Order comprise the following:—

1. A promenade, pier, jetty, and landing place, with all proper works, roads, approaches, and other conveniences connected therewith, commencing at a point on the Marine Promenade, opposite Osborne House, in the town of Southport, in the parish of North Meols, in the county of Lancaster, at a distance of two hundred and fifty yards or thereabouts north eastwards from the south-eastern corner of the lifeboat house, opposite the Royal Hotel in Southport, and extending thence seaward in a north-westerly direction one thousand seven hundred yards or thereabouts, but the centre line of the pier shall not be made to deviate more than ten yards from the line shown as the centre line on the deposited plans, and the pier shall be constructed in a straight line from one end to the other thereof and the seaward end of the centre line thereof shall not be less than eleven hundred feet from the seaward end of the centre line of the existing pier.

Southport.

2. A tramway to be constructed on the said pier, and toll-houses, saloons, bazaars, baths, and other buildings to be erected thereon, and floating baths, and landing stages, to be placed in the sea adjacent thereto; but so that no floating bath or landing stage shall be so placed without the consent of the Board of Trade having been first obtained, and any floating bath or landing stage so placed shall be removed from time to time as and when required by the Board of Trade within fourteen days after notice for that purpose left at the offices of the company, and if not so removed may be removed by order of the Board of Trade at the expense of the company from whom the expense of removal may accordingly be recovered as a debt due by them.
3. To fix and maintain buoys, warping posts, or other guides or helps, if necessary, for the use of ships or vessels resorting to or using the pier.
4. Also to dredge, scour, cleanse, or remove any bank or banks of sand or mud adjoining any of the works herein-before specified:

Power to take rates according to Schedule to Order.

6. The company may demand and receive in respect of the vessels, goods, persons, and things in the schedule hereto described, any sums not exceeding the rates in that schedule specified.

Company may contract with persons for the use of the pier and works.

7. The company may grant to passengers and promenaders or others pass tickets for the use of the pier and works, on such terms and for such a period not exceeding one year as may be agreed on; but so that no preference be given to any person, such a pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use; if any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbour, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed "The Special Act."

Custom House officers exempt from rates.

8. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, into, along, through, and out of the pier and works by land, and with their vessels and otherwise, without payment.

Application of rates.

9. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise:

1. In paying the expenses of, and connected with, the applying for, obtaining, and making of this Order;
2. In paying the expenses of the maintenance, management, and regulation of the pier and works authorized by this Order;
3. And as to the surplus revenue of the said pier and works, that is to say, so much of the rates as may remain after answering the several purposes aforesaid, the same shall be applicable by the company to and for their own proper use and benefit.

Meters and weighers.

10. The company shall have the appointment of meters and weighers employed about the said pier.

Power to lease parts of works.

11. The company may at any time lease to such persons, and for such terms, and subject to such conditions as they shall think fit, so much of their undertaking as shall consist of the saloons, baths, and other buildings secondly herein-before described, either severally or together, and all or any other of the rates and powers by virtue of this Order vested in the company, in relation to the same or any of them, but so that any such lease shall not have any effect unless it is made with the approval of the Board of Trade, testified in writing, signed by a secretary or an assistant secretary of the Board.

Incorporation of part of "The Harbours and Passing Tolls, &c. Act, 1861."

12. Part V. of "The Harbours and Passing Tolls, &c. Act, 1861," shall apply to the piers and works authorized by this Order.

Parts of Harbours, &c. Act excepted.

13. Sections 16, 17, 18, and 19 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Restriction on use of pier.

14. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier, jetty, or landing places, authorized by this Order, any sheep, cattle, or merchandize, or to ship or unship anything which in the judgment of the company might in any manner interfere with the use of the pier, jetty, or landing place for recreation, or for the embarking or landing of passengers.

Short title.

15. This Order may be cited as "The Southport (Alexandra) Pier Order, 1867."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	£	s.	d.
For every vessel, not being passenger vessels, under the burden of 100 tons, per ton - - - - - -	*0*	*0*	*4*
For every vessel of the burden of 100 tons, and under 150 tons, per ton - - - - - - - -	*0*	*0*	*5*
For every vessel of the burden of 150 tons and upwards, per ton -	*0*	*0*	*6*
All lighters, for each trip, per ton - - - - -	*0*	*0*	*2*
All other boats, entirely open, landing or taking on board goods, each - - - - - -	*0*	*0*	*6*

II.—Rates on Passengers and Promenaders using the Pier.

	£	s.	d.
For every passenger or other person who shall land on the pier from, or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding -	*0*	*0*	*6*
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - - - -	*0*	*0*	*4*
For every bath or sedan chair taken on the pier, for each and every time, any sum not exceeding - - - - -	*0*	*0*	*6*
For every perambulator - ditto - - ditto -	*0*	*0*	*3*

Southport.

	£	s.	d.
For every master of a vessel, boat, or wherry, using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	*1*	*0*	*0*
For every person using the tramway, for each journey and exclusive of luggage	*0*	*0*	*3*

III.—Rates on Passengers' Luggage:

	£	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	*0*	*0*	*1*
Over 28 lbs. and not exceeding 84 lbs.	*0*	*0*	*2*
Over 84 lbs. and not exceeding 140 lbs.	*0*	*0*	*3*
Over 140 lbs. and not exceeding 2 cwt.	*0*	*0*	*4*
And for every cwt. beyond	*0*	*0*	*2*
And for every 20 lbs. weight in addition	*0*	*0*	*1*

Pier and Harbour Orders Confirmation.

A

B I L L

For confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Balbriggan, Cleethorpes, Cromer, Dingwall, Girvan, Rothesay, Seaford, and Southport.

(*Prepared and brought in by*
Mr. Dodson, Mr. Stephen Cave, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,*
3 *May* 1867.

[Bill 130.]

Under 6 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Balbriggan, Cleethorpes, Cromer, Dingwall, Girvan, Rothesay, and Seaford.

Preamble. 24 & 25 Vict. c. 45.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Orders in Schedule.

1. The several Orders set out in the Schedule to this Act shall be and the same are hereby confirmed, and all the Provisions thereof

in Manner and Form as they are set out in the said Schedule shall, from and after the passing of this Act, have full Validity and Force.

Short Title. **2.** This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1867.

The SCHEDULE of Orders.

1. BALBRIGGAN.—Alteration of Tolls, &c.
2. CLEETHORPES.—Construction of a Pier.
3. CROMER.—Construction of a Pier.
4. DINGWALL.—Improvement of Harbour.
5. GIRVAN.—Amendment of Order.
6. ROTHESAY.—Construction of Piers.
7. SEAFORD.—Construction of a Pier.

BALBRIGGAN.

Order for the Maintenance and Regulation of the Pier and Harbour of Balbriggan, in the county of Dublin, being an Outport or Creek of the Port of Dublin.

Balbriggan.

The undertakers.

1. The Corporation for preserving and improving the Port of Dublin, hereinafter called "The Corporation," shall be the undertakers of the works authorized by this Order.

Description of works.

2. The works authorized by this Order comprise the following:
 The dredging, deepening, or otherwise improving of the inner and outer harbour of Balbriggan;
 The erection of works calculated to shelter and defend the harbour and prevent it from being silted up;
 The improvement of the Balbriggan pier.

Power to take rates according to Schedule.

3. The Corporation may demand and receive, in respect of the vessels and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

4. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, from, and out of the pier and harbour by land and with their vessels and otherwise, without payment.

Certain fishing vessels under stress of weather exempt from rates.

5. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier or harbour to which this Order relates, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Parts of Harbours, &c. Act, 1847, excepted.

6. The following sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections numbered 6 to 26, both inclusive, sections 37 to 42, both inclusive, sections 45 and 50, and sections 79 to 82, both inclusive.

Power to borrow.

7. The Corporation may from time to time under this Order borrow, on mortgage of the rates leviable under this Order, any money, not exceeding in the whole the sum of Two thousand pounds, required for the purposes of the works authorized by this Order.

Money to be applied to purposes of Order.

8. Every part of the money borrowed under this Order shall be applied only to the purposes authorized by this Order.

Mortgages.

9. The clauses with respect to the mortgages to be executed by the Commissioners, contained in "The Commissioners Clauses Act, 1847," are hereby incorporated with this Order.

Application of rates.

10. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise, namely:—

In paying the costs, charges, and expenses of applying for and obtaining this Order, or preparatory or incident thereto:

In defraying the expense of supplying ballast for the use of vessels paying for same according to the Schedule hereto:

In defraying the necessary expenses of the maintenance, management, and regulation of the pier and harbour:

In paying a certain annuity charged by the 12 & 13 Victoria, chapter 60, on all dues arising out of the harbour, and payable to the Commissioners of Public Works, Ireland, for twenty-two years from the tenth day of October One thousand eight hundred and forty-nine, in respect of a sum of One thousand five hundred pounds expended in deepening and improving the said harbour:

In paying interest on money borrowed under this Order, and in repayment of the principal of such money:

In executing any works authorized by this Order.

Dredges, steam engines, diving bells, lighters, &c.

11. The Corporation may, for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast and other lighters, tools, plant, and other materials, as they think fit, and may from time to time, as they think fit, sell and dispose of the same, or any of them; and shall apply the money produced thereby in carrying into effect the purposes of this Order or some of them.

Saving of existing rights.

12. Nothing in this Order shall be construed to interfere in any way with any existing rights in the said pier or harbour, or the lands or foreshore adjoining the same.

Saving rights, &c. under Crown Lands Act, 1866.

13. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short Title.

14. This Order may be cited as "The Balbriggan Pier and Harbour Order, 1867."

The SCHEDULE to which the foregoing Order refers.

Rates for the Supply of Ballast and on Vessels entering the Harbour.

	s.	*d.*
1. For every ton of ballast supplied for the use of vessels leaving the harbour, if put on board from the lighter, or deposited on the quay opposite such vessel - - - - - -	1	0
Additional charge for heaving on board when deposited on the quay, if required by the owner or master, for every ton - -	0	3

Balbriggan.

	s.	d.
2. Tonnage duty on each vessel discharging cargo, per registered ton	0	6
3. „ „ for gas lights, &c. on piers - - - - - - - -	0	1
4. On every vessel or boat exceeding 5 tons registered burthen, for an annual licence to use the harbour - - - -	10	0
5. On every vessel or boat of 5 tons or less registered burthen, for an annual licence to use the harbour - - - -	5	0

An annual licence to be paid for on all vessels or boats entering the harbour more than once within any year ending on the 31st day of December.

The period for the annual licence to be from the 1st January to 31st December. All annual licences, at whatever time taken out, to expire on the 31st December in each year.

The annual licence not to be paid for on vessels using the harbour as traders, and paying dues as such.

6. The owner of every vessel or boat laid up in the harbour, or occupying a berth at the quay at any one time for a period exceeding 14 days, unless detained by stress of weather, to be liable to a charge of one halfpenny per registered ton for every day exceeding that period.

Cleethorpes.

CLEETHORPES.

Order for the Construction, Maintenance, and Regulation of a Pier at Cleethorpes in the County of Lincoln.

Incorporation of company.

1. The following persons, namely, Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company, for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cleethorpes Promenade Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers

2. The Cleethorpes Promenade Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," except so much as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Act Amendment Act, 1860," shall respectively be incorporated with this Order.

Capital.

4. The capital of the Company shall be ten thousand pounds, in one thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one fifth part of the amount of such share, has been paid in respect thereof.

Cleethorpes.

Calls.

6. No call shall exceed two pounds a share, or be made payable within three months of a previous call.

Power to create Preference Shares.

7. The Company, with the sanction of at least three fifths in value of the votes of the shareholders present, in person or by proxy, at a general meeting, specially convened for that purpose, may attach to all, or any, of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company, from time to time, may borrow on mortgage, at interest, any sum or sums of money, not exceeding in the whole three thousand three hundred and thirty-three pounds; but no money shall be so borrowed until the whole of the capital of ten thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the justice, who certifies under Section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest or dividend on calls.

10. The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the Company paying to any shareholder interest on any money advanced by him beyond the amount of calls actually made in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11. The Company shall not, out of any money so raised, pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first General Meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the Directors determine.

Number of Directors.

14. The number of Directors shall not be more than nine nor less than five.

Quorum of Directors.

15. The quorum of a meeting of Directors shall be three.

First Directors.

16. Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, with such other shareholders (if any) as they add to their number, shall be the first Directors; and the first Directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and Directors shall be elected by the meeting, the retiring Directors being eligible for re-election.

17. The

Qualification.

17. The qualification of a Director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the Directors shall, from time to time, be fixed by a general meeting, and shall be divided among the Directors, as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order, as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

Lands for extraordinary purposes.

20. The Company may purchase and hold, for extraordinary purposes, any land not exceeding in the whole three acres.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order.

22. The works authorized by this Order comprise the following:

Description of works authorized.

A Pier, Jetty, and Landing-place, with all proper works, approaches, and other conveniences for the embarking and landing of passengers, fish, goods, and merchandise, and other purposes, in the township of Cleethorpes, in the parish of Clee, in the county of Lincoln, commencing at a point upon the edge of the cliff adjoining the recreation ground belonging to the overseers and churchwardens of the parish of Clee, and opposite to the eastern end of a footway leading from the said recreation ground to Albert Street, and extending thence seawards in a north-easterly direction one thousand two hundred feet or thereabouts, the landward portion of which pier, jetty, landing-place, works, and approaches will be wholly situate in or abut upon the township of Cleethorpes aforesaid.

Power to take rates in Schedule.

23. The Company may, for the use of the pier and works, demand and take, in respect of the vessels, persons, fish, animals, and goods in the schedule to this Order specified, any sums not exceeding the rates in that schedule specified.

Certain fishing vessels, under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Pass tickets for use of pier.

25. The Company may grant to passengers, promenaders, and other persons pass tickets for the use of the pier and works, at such rates, on such terms, and

for such periods, not exceeding one year, as may be agreed upon. Such pass tickets shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Exemption of Custom House Officers from rates.

26. Officers of Customs, being in the execution of their duty, shall at all times have free egress, passage and ingress on, to, and over the pier and works, by land and with their vessels, without payment.

Steam engines, diving bell lighters.

27. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences, as they think proper, for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

28. The Company shall have the appointment of meters and weighers on, or in connexion with, the pier.

Restriction on use of pier.

29. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship, at the pier or jetty authorized by this Order, any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Saving rights under Crown Lands Act, 1866.

30. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short Title.

31. This Order may be cited as "The Cleethorpes Promenade Pier Order, 1867."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - - -	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton -	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton -	1	0
All lighters for each trip, per ton - - - - - -	0	2
All boats entirely open, landing or taking on board goods each -	0	6

Cleethorpes.

II.—RATES OF GOODS SHIPPED OR UNSHIPPED AT THE PIER.

	s.	d.
Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages:		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand-carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes) per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto per box	0	6
Grains and seeds, per quarter	0	6

		s.	d.
Cleethorpes.	Groceries (not enumerated)	0	6
——	Guano, per ton	1	6
	Gunpowder, per barrel or keg	0	6
	Hams, bacon, or tongues, per cwt.	0	4
	Hardware, per ton	2	6
	Hares and rabbits, per dozen	0	4
	Hay, per ton	1	6
	Ditto, per truss	0	2
	Hemp, per ton	2	0
	Herrings (fresh), per 1,000	0	3
	Ditto (cured), per barrel	0	3
	Hides:		
	Ox, cow, or horse (wet or dry), each	0	2
	Iron:—		
	Bar, bolt, rod and shots, per ton	1	6
	Pig and old, per ton	1	0
	Manufactured, per ton	2	6
	Pots, each	0	1
	Kelp, per ton	2	0
	Lead, per ton	2	6
	Leather, tanned and dressed, per cwt.	0	3
	Lime, per 28 bushels	1	4
	Limestone, per ton	1	0
	Machinery, per ton	2	6
	Manure (not enumerated), per ton	1	0
	Masts and spars, 10 inches in diameter and upwards, each	4	6
	Ditto, under 10 inches	3	0
	Meat (fresh), per cwt.	0	6
	Milk, per gallon	0	0½
	Musical instruments, per cube foot	0	1
	Nets, per 5 cubic feet	0	4
	Oakum, per cwt.	0	2
	Oils, per tun	2	0
	Oilcake, per ton	2	0
	Oranges and lemons, per box	0	6
	Ores, per ton	1	0
	Oysters, per bushel	0	3
	Paint, per cwt.	0	4
	Pitch and tar, per barrel	0	6
	Potatoes, per cwt.	0	2
	Poultry and game, per dozen	0	4
	Rags and old rope, per ton	2	0
	Sails, per cwt.	0	6
	Salt, per cwt.	0	1
	Sand, per ton	1	0
	Shrimp baskets, each	0	2
	Skins:—		
	Calf, goat, sheep, lamb, or dog, per dozen	0	6
	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign and British), per hogshead	1	0
	Ditto, ditto, per gallon	0	1
	Stones, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap and candles, per cwt.	0	3
	Tea, per chest	1	0
	Tiles, per 1,000	1	6
	Tin and zinc, per ton	3	0

Cleethorpes.

	s.	d.
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto 2½ inches in diameter and under, per 120	4	0
Ditto 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto exceeding 2 feet in length, per 120	3	0
Trenails, per thousand	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1st. *Rates of Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6

Cleethorpes.

2nd. *Weighing Machines.*

	s.	d.
For goods weighed, for each ton or part of a ton	0	2

3rd. *Shed Dues.*

	s.	d.
For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day, or part of a day, per package	0	2

IV.—RATES FOR SUPPLYING WATER ON PIER.

	s.	d.
Water, per 1,000 gallons	10	0

V.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	d.
For every passenger or other person who shall land on the pier from or embark from it on board of, any ship, vessel, packet or passage boat, for each time any sum not exceeding	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure or any other purpose, except for embarking or disembarking, for each time any time any sum not exceeding	0	4
For every bath or sedan chair taken on the pier, for each time not exceeding	0	6
For every perambulator taken on the pier, for each time any sum not exceeding	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Clee, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0

VI.—RATES ON PASSENGERS' LUGGAGE.

	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition	0	1

CROMER.

CROMER.

Order for the Construction, Maintenance, and Regulation of a Pier and Harbour at Cromer, in the County of Norfolk.

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Incorporation of Company.

1. THE following persons, namely, Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, and all other persons and corporations subscribing to the Undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company, for the purpose of making, maintaining, and regulating the Harbour and Works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cromer Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The Cromer Pier Company, in this Order called the Company, shall be the undertakers of the Works authorized by this Order.

Incorporation of Clauses Act.

3. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," except so much as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Act Amendment Act, 1860," shall respectively be incorporated with this Order.

Capital.

4. The Capital of the Company shall be ten thousand pounds, in one thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one-fifth part of the amount of such share, has been paid in respect thereof.

Calls.

6. No call shall exceed two pounds a share, or be made payable within three months of a previous call.

Power to create preference shares.

7. The Company, with the sanction of at least three-fifths in value of the votes of the Shareholders present in person or by proxy at a general meeting, specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one-third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company, from time to time, may borrow on mortgage, at interest, any sum or sums of money, not exceeding in the whole three thousand three hundred and thirty-three pounds, but no money shall be so borrowed until the whole of the capital of ten thousand pounds is subscribed for or taken, and one-half thereof is paid up, and the Company satisfy the Justice who certifies under Section 40 of

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of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one-half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The Mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a Receiver, and the amount to authorize a requisition for a Receiver is five hundred pounds.

No interest or dividend on calls.

10. The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any Shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the Company paying to any Shareholder interest on any money advanced by him beyond the amount of calls actually made, as may be in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit, under Standing Orders, &c.

11. The Company shall not, out of any money so raised, pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first general meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the Directors determine.

Number of Directors.

14. The number of Directors shall not be more than nine nor less than five.

Quorum of Directors.

15. The quorum of a meeting of Directors shall be three.

First Directors.

16. Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, with such other Shareholders (if any) as they add to their number, shall be the first Directors; and the first Directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and Directors shall be elected by the meeting, the retiring Directors being eligible for re-election.

Qualification.

17. The qualification of a Director elected by the Shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the Directors shall, from time to time, be fixed by a general meeting, and shall be divided among the Directors as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order,

as they think requisite for the purposes of the proposed Pier and Works, and the conveniences connected therewith.

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Lands for extraordinary purposes.

20. The Company may purchase and hold, for extraordinary purposes, any land not exceeding in the whole three acres.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans, as the Board of Trade require, from time to time, before the completion of the Works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the Pier and Works authorized by this Order.

Description of works authorized.

22. The Works authorized comprise the following:—

A Pier, Jetty, and Landing Place, with all proper works, approaches, and other conveniences for the embarking and landing of passengers, fish, goods, and merchandise, and other purposes, in the parish of Cromer, in the county of Norfolk, commencing at a point upon the esplanade or sea wall opposite the end of Jetty Street, thirty-three feet or thereabouts to the east of the existing jetty, and extending thence seawards in a north-north-east direction seven hundred and fifty feet, or thereabouts, the whole of the landward portion of which said Pier, Jetty, Landing Place, works, and approaches will be situate in, or abut upon, the said parish of Cromer, in the county of Norfolk.

Power to take rate in Schedule.

23. The Company may, for the use of the Pier and Works, demand and take, in respect of the vessels, persons, fish, animals, and goods in the Schedule hereto specified, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the Pier authorized by this Order and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Pass tickets for use of pier.

Pass tickets not transferable.

25. The Company may grant to passengers, promenaders, and other persons, pass tickets for the use of the Pier and Works, at such rates, on such terms, and for such periods not exceeding one year, as may be agreed upon. Such pass ticket granted by the Company shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit pass ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Exemption of Custom House Officers from rates.

26. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, to, and over the Pier and Works, by land and with their vessels, without payment.

Steam engines, lighters, &c.

27. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences, as they think proper, for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

28. The Company shall have the appointment of Meters and Weighers on, or in connexion with, the Pier.

Restriction on use of Pier.

29. Nothing in this Order shall entitle any person, with any vessel or boat, to ship or unship at the Pier or Jetty authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the Pier or Jetty for recreation, or for the embarking or landing of passengers.

Saving rights under Crown Lands Act, 1866.

30. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade, by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short Title.

31. This Order may be cited as "The Cromer Pier Order, 1867."

SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS USING THE PIER.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - - -	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton -	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton -	1	0
All lighters for each trip, per ton - - - - - -	0	2
All boats entirely open, landing or taking on board goods, each -	0	6

II.—RATES OF GOODS SHIPPED OR UNSHIPPED AT THE PIER.

	s.	*d.*
Ale, beer and porter, per hogshead - - - - - -	0	6
Ale (bottled), per barrel - - - - - -	0	4
Ditto, per dozen bottles - - - - - - -	0	9
Anchors, per cwt. - - - - - - -	0	1
Anchor stock, per foot run - - - - - - -	0	2
Bark, per ton - - - - - - - - -	2	0

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	s.	d.
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:—		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages:—		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand-carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries (not enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4

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	s.	d.
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides :—		
Ox, cow, or horse (wet or dry), each	0	2
Iron :—		
Bar, bolt, rod and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	2	0
Skins :—		
Calf, goat, sheep, lamb or dog, per dozen	0	6
Slates, per ton, of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton, of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4

	s.	d.
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto, 2½ inches in diameter and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pine staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Craneage.

All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6

2nd. Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2

Cromer.

3rd. Shed Dues.

	s.	d.
For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier, for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel or other article of passengers' luggage, for each day or part of a day, per package - -	0	2

IV.—Rates for supplying Water on Pier.

	s.	d.
Water, per 1,000 gallons - - - - - -	10	0

V.—Rates on Passengers and Promenaders using the Pier.

	s.	d.
For every passenger or other person who shall land on the Pier from, or embark from it on board of, any ship, vessel, packet or passage-boat, for each and every time any sum not exceeding - -	0	6
For every person who shall use the Pier for the purpose of walking for exercise, pleasure or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding -	0	4
For every bath or sedan chair taken on the Pier, for each and every time not exceeding - - - - - -	0	6
For every perambulator - - - - - - -	0	2
For every master of any vessel, boat or wherry, being an inhabitant of the parish of Cromer, and using the said Pier for the purpose of going to or returning from his own vessel, boat or wherry, an annual sum not exceeding - - - - -	20	0

VI.—Rates on Passengers' Luggage.

	s.	d.
For every trunk, portmanteau, box, parcel or other package within the description of luggage, not exceeding 28 lbs. - - -	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - -	0	4
Over 84 lbs. and not exceeding 112 lbs. - - -	0	5
Over 112 lbs. and not exceeding 140 lbs. - - - -	0	6
Over 140 lbs. and not exceeding 196 lbs. - - -	0	7
Over 196 lbs. and not exceeding 2 cwt. - - - - - -	0	8
And for every cwt. beyond - - - - - -	0	4
And for every 20 lbs. weight in addition - - - -	0	1

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DINGWALL.

Order for the Management and Improvement of the Harbour of Dingwall, in the County of Ross.

Repeal of certain Sections of Act 5 Geo. 4. c. 93.

1. From and after the first day of August one thousand eight hundred and sixty-seven, the Sections of the Local Act, fifth George the Fourth, chapter ninety-three, relating to the harbour of Dingwall (in this Order termed "the Local

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Local Act"), which are specified in the Schedule (A.) annexed to this Order, and the Schedule to the said Act, shall be and are hereby repealed, and this Order shall commence and take effect.

Appointment and incorporation of Commissioners.

2. The magistrates and town council of the burgh of Dingwall, and their successors in office, shall be the commissioners for carrying this Order into execution, and shall be and are hereby, for the purposes of this Order, incorporated by the name of "the Dingwall Harbour Commissioners"; and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, lease, take, hold, and dispose of lands andother property for the purposes but subject to the restrictions of this Order.

Interpretation.

3. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated therewith shall have the same respective meanings, and in this Order and in the said Acts as incorporated therewith the following expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions respectively; that is to say, the expression "the Special Act" shall mean this order; the expression "the Harbour" shall mean the harbour of Dingwall and the works in and connected therewith; and the expression "the Commissioners" shall mean the Dingwall Harbour Commissioners incorporated by this Order.

Harbour and works vested in the Commissioners.

4. From and after the first day of August one thousand eight hundred and sixty-seven, all the estate, right, and interest and all the powers of the magistrates and town council of the burgh of Dingwall in or over the Harbour of Dingwall, and in, over, or in respect of the lands, works, wharves, property, rights, and privileges connected therewith, shall be and are hereby vested in the Commissioners, subject to the debts, contracts, obligations, and liabilities affecting the same; and the said harbour and works shall thereafter be maintained, repaired, regulated, extended, and improved by the Commissioners, under the authority and subject to the provisions of this Order and the Acts incorporated therewith.

Harbour to be a separate trust.

5. The Harbour and works and property connected therewith and the revenues thereof shall be held and managed by the Commissioners as a distinct trust, and separate from the common good, property, and revenues of the Burgh of Dingwall.

Provision for payment of debts and money.

6. Any money borrowed on the credit or security of the harbour rates and duties leviable under the authority of the Local Act, and all other debts and money due or payable by the Magistrates and Council of Dingwall in relation to the harbour, at the first day of August one thousand eight hundred and sixty-seven, shall be payable and paid by the Commissioners; and all harbour rates and duties, and arrears of harbour rates and duties, and all other debts and money, principal or interest, belonging, due, or payable to the said magistrates and council in relation to the Harbour at the same date shall be payable to the Commissioners, and shall be recoverable by them in the same way as such rates and duties and arrears of rates and duties and other debts and money would or might have been payable to or recoverable by the said Magistrates and Council if this Order had not been made.

Conveyances and contracts to remain in force.

7. All conveyances, contracts, and other deeds granted by, to, or in favour of the said Magistrates and Council, in relation to the Harbour, shall be and remain as valid and effectual as if this Order had not been made, and may be enforced by and against the Commissioners in the same way and to the same extent and

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effect as such conveyances, contracts, and other deeds might or could have been enforced by or against the said Magistrates and Council if this Order had not been made.

Incorporation of Commissioners Clauses Act.

8. "The Commissioners Clauses Act, 1847," so far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions:—

(1.) Sections six and seven, and Sections 17 to 35, both inclusive, of the said Act, shall not be incorporated with this Order:

(2.) With reference to Section 37 of the said Act, the Provost of the Burgh of Dingwall, for the time being, shall ex-officio be the chairman of the Commissioners:

(3.) Section 54 of the said Act shall not be incorporated with this Order:

(4.) With reference to Section 84 of the said Act, the sum to be every year appropriated and set apart out of the rates as a sinking fund shall not be less than one-fiftieth part of the principal moneys borrowed, such appropriation to commence from the first day of August one thousand eight hundred and seventy-two:

(5.) With reference to Section 90 of the said Act, it shall not be obligatory on the Commissioners to cause the statement and account therein mentioned to be printed:

(6.) With reference to Section 92 of the said Act, the Sheriff of the County of Ross, or the Sheriff-substitute at Dingwall, shall from time to time, on the application of the Commissioners, appoint a properly qualified person, not being one of the Commissioners or holding office under them, to be the permanent Auditor of the accounts of the Commissioners; and if the office of such Auditor become vacant by death, or any other cause, the said Sheriff or Sheriff-substitute shall from time to time, on the application of the Commissioners, appoint a person properly qualified as aforesaid to supply such vacancy.

Undertakers.

9. The Commissioners shall be the undertakers of the works authorized by this Order.

Limits of harbour.

10. The limits within which the Commissioners shall have authority, and which shall be deemed the limits to which this Order extends, shall comprise the Harbour and works by this Order vested in the Commissioners or authorised to be executed, and the lands, foreshore, and sea on which the same are or may be situate, and shall extend along the Firth of Cromarty and the channel of the River Conon, from the one extremity of the Royalty of the Burgh of Dingwall to the other.

Power to take lands by agreement.

11. For the purposes of the works authorized by this Order the Commissioners may from time to time by agreement enter on, take, and use such lands in and around the Harbour as may be required for the said works, not exceeding in the whole eight acres.

Incorporation of Lands Clauses Acts.

12. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

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Power to execute works.

13. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before completion of the works in order to prevent injury to navigation, the Commissioners may, on the lands vested in or purchased or acquired by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the works shown on the deposited plan and sections, and herein-after described.

Description of works.

14. The works authorized by this Order comprise the following:—

First.—A new cut or entrance channel to the Harbour, commencing near the lower end of the existing wharf on the south-west side of the Harbour, and terminating at or near low-water mark in the channel of the River Conon, near the lower end of the middle bank:

Second.—An embankment and track-path, commencing near the lower end of the existing wharf, and extending along the south side of the said new cut or entrance channel, for a distance of three hundred and seventy-five yards or thereabouts, with a continuation of the said embankment sloped down to low-water mark in the channel of the River Canon:

Third.—A bridge over the Dingwall Canal, at or near the upper end of the said existing wharf:

Fourth.—An extension seawards of the said existing wharf on the south-west side of the Harbour, and a new quay or wharf on the north-east side of the Harbour opposite to the said existing quay or wharf:

Fifth.—An embankment or extension seawards and widening of the north-east bank of the Dingwall Canal.

Further powers as to works.

15. The Commissioners may also make, execute, and maintain the following works authorized by this Order:—

First.—All piers, jetties, landing places, roads, approaches, and other works and conveniences connected with the new cut or entrance channel, wharves, embankments, and bridge before described:

Second.—The sufficient and effectual dredging, scouring, cleansing, and removing of any banks of sand or mud within or adjoining the Harbour or works, or in the new entrance channel and approaches to the Harbour.

Abandonment of portions of Dingwall Canal.

16. The following portions of the Dingwall Canal shall be abandoned and disused for the purposes of navigation or of the Harbour; that is to say:—

First.—The portion of the said canal situate between the bridge, commonly called Peter's Bridge, at the extreme land-ward or west-end of the said canal, and the upper end of the said existing wharf on the south-west side of the Harbour, but without prejudice to the rights of the Commissioners, or of the said Magistrates and Town Council as representing the community of the said Burgh and as acting under the Local Act, to the River Peffery and the diversion thereof from the said canal, as occasion may require:

Second.—The portion of the said canal situate between the point hereinbefore described as the commencement of the said new cut or entrance channel and the River Conon.

Power to levy rates.

17. The Commissioners may demand and receive in respect of vessels, animals, fish, and goods described in the Schedule (B.) annexed to this Order, any sums not exceeding the several rates specified in the said Schedule.

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Certain fishing vessels under stress of weather exempt from rates.

18. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the Harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Customs officers.

19. Officers of Customs, being in the execution of their duty, shall, at all times, have free ingress, passage, and egress to, through, and out of the Harbour and the works of the Commissioners by land, and with their vessels and otherwise, without payment.

Rates may be leased.

20. The Commissioners may, from time to time, lease the rates authorized by this Order for any period not exceeding three years, and for such rent or consideration, and on such terms and conditions, as they think fit; and the lessee shall have and may exercise, during the continuance of his lease, the same powers of levying and recovering the said rates as the Commissioners have or might exercise under "The Harbours, Docks, and Piers Clauses Act, 1847," and this Order.

Borrowing powers.

21. The Commissioners may, from time to time, borrow on mortgage such money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of six thousand pounds, on the security of the Harbour and works and lands and property connected therewith by this Order vested in the Commissioners, and of the lands and property and works to be purchased and acquired and executed by them under the authority of this Order, and of the rates authorized by this Order, and any other property of the Commissioners; and any money borrowed under the authority of this Order and discharged otherwise than by means of the sinking fund may be reborrowed if required for the purposes of this Order, and so toties quoties.

Borrowed money may be repaid by instalments.

22. In any mortgage or assignation in security to be granted by the Commissioners for money borrowed under the authority of this Order, provision may be made for the repayment of the principal money so borrowed within any period not exceeding forty years from the date of the loan, by such instalments as may be agreed on between the Commissioners and the lenders; and the Commissioners shall not be required to appropriate or set apart any sum as a sinking fund in respect of any principal monies which are repayable by such instalments.

Commissioners may borrow on cash account.

23. The Commissioners may accept and take from any bank or banking company in Scotland credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are by this Order authorized to borrow, or any part thereof, and may assign the rates authorized by this Order in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon: Provided, that the whole principal sums due and owing by the Commissioners on such cash account and for money borrowed by them on mortgage shall never, when taken together, exceed the said sum of six thousand pounds.

Form of assignations in security and transfers.

24. The mortgages or assignations in security to be granted by the Commissioners for money borrowed under the authority of this Order, and all transfers thereof, may be in the forms contained in the Schedule (B.) annexed to "The Burgh Harbours (Scotland) Act, 1853," or to the like effect.

Application of borrowed money.

25. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application of rates and income.

26. The Commissioners shall apply all money received by them from the rates authorized by this Order, and all other money (not being money raised on mortgage or otherwise in the nature of capital) coming into their hands in respect of the Harbour and works by this Order vested in or authorized to be executed by the Commissioners, for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying year by year the interest (if any) accruing on money borrowed under the authority of the local Act:

(3.) In paying the expense of the maintenance, repair, management, and regulation of the Harbour:

(4.) In paying year by year the interest accruing on money borrowed under this Order:

(5.) In paying the cost of the works authorized by this Order, and of the lands and property to be purchased and acquired for the purposes thereof, and generally in paying any expense incurred in improving the Harbour:

(6.) In creating a sinking fund, in the manner, and in so far as the nature and circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847," as varied by this Order.

Application of capital.

27. The Commissioners shall apply all money in the nature of capital (and not being mortgage money) received by them under this Order for the like purposes and in the like manner as directed by the provisions respectively numbered 5 and 6 of the last preceding clause of this Order, with reference to money to which that clause relates and which may remain after payment of interest on money borrowed under this Order.

Commissioners may provide dredges, engines, &c.

28. The Commissioners may, for the purposes of the Harbour, or any of them, from time to time purchase, provide, lease, or hire, such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials, as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell and dispose of the same, and the money thereby realized shall be applied for carrying into effect the purposes of this Order or some of them.

Pilotage, lights, buoys, and beacons.

29. The Commissioners shall be a pilotage authority and local authority, within the meaning of "The Merchant Shipping Act, 1854," and the Acts amending the same, and shall have all powers conferred by those Acts on pilotage authorities and on local authorities.

Meters and weighers.

30. The Commissioners shall have the appointment of meters and weighers within the limits of the Harbour.

Lands for extraordinary purposes.

31. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Exception of parts of Harbours Clauses Act.

32. Sections 16, 17, 18, 19, 25, and 26 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

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Saving rights under Crown Lands Act, 1866.

33. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short title.

34. This Order may be cited as "The Dingwall Harbour Order, 1867."

SCHEDULES to which the foregoing Order refers.

SCHEDULE (A).

Title of Local Act.	Sections repealed.
An Act for maintaining the Harbour of the Burgh of Dingwall and regulating the police of the said burgh.—5 Geo. IV., chapter 93.	Sections 1 to 22 both inclusive, and Section 41, and the Schedule annexed to the Act.

SCHEDULE (B).

I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR.

	Per register ton. s.	d.
For every vessel under the burden of fifteen tons	0	4
For every vessel of the burden of fifteen tons, and under fifty tons	0	6
For every vessel of the burden of fifty tons, and under one hundred tons	0	8
For every vessel of the burden of one hundred tons, and under one hundred and fifty tons	0	10
For every vessel of the burden of one hundred and fifty tons and upwards	1	0
All lighters from any vessel in the roads shall be exempted from rates; but if the vessel do not enter the harbour, every lighter shall pay for each trip	0	2
All boats, entirely open, landing or taking on board goods or dried or salted fish, one shilling each.		
All drave or large boats entering the harbour or precincts thereof with fresh fish, fourpence each.		

II.—RATES ON ANIMALS, FISH, AND GOODS SHIPPED, UNSHIPPED, OT TRANSHIPPED WITHIN THE HARBOUR.

		s.	d.
Albertite or bitumen	per ton	1	6
Ale	per hogshead	0	6
Do. bottled	per barrel bulk	0	3
Bark	per ton	1	8

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		s.	d.
Beef or pork	per ton	1	4
Do.	per barrel	0	2
Blubber	per tun of 252 gallons	1	0
Bone dust	per ton	2	0
Bones of cattle	per ton	0	6
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Casks:—			
Empty, not being returned packages	per puncheon	0	3
Other casks, in proportion.			
Cattle:—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Chimney cans	per 100	1	4
Clay, fire, manufactured	per ton	0	6
Do., common	per ton	0	2
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coaches:—			
Chaises, and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coal—Scotch, English, smithy, or Culm	per ton	1	0
Copper	per ton	2	0
Coprolites	per ton	2	0
Corks	per barrel bulk	0	3
Corn:—			
Wheat and Malt	per quarter	0	3
Barley, oats, rye, beans, peas, tares, buckwheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	2	0
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	4
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish:—			
Dried and salted	per ton	2	6
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0	2
Flax	per ton	2	6
Flour	per sack	0	3
Do.	per barrel	0	1½
Glass	per barrel bulk	0	3
Groceries:—almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, rasins, and the like	per barrel bulk	0	3
Guano	per ton	2	0
Gunpowder	per barrel	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	1	0
Hemp	per ton	2	6

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		s.	d.
Herrings :—			
Fresh	per cran	0	1
Cured	per barrel	0	4
Hides :—			
Ox, cow, or horse, salted or dried	per ton	3	4
Calf skins	per 120	0	10
Sheep skins	per 120	0	10
Lamb skins	per 120	0	5
Hoops of wood	per 100	0	1
Hops	per barrel bulk	0	3
Household furniture (new)	per barrel bulk	0	3
Do., belonging to parties changing their residence only,	per 10 barrels bulk	0	6
Husbandry utensils	per ton	1	4
Do.	per barrel bulk	0	3
Iron :—			
Bar, bolt, and rod	per ton	2	0
Pig or old	per ton	1	0
Pots and all hollow cast-iron goods	per ton	2	8
Ditto, commonly called Ironmongery	per ton	2	8
Kelp	per ton	1	0
Lead :—All kinds	per ton	2	0
Leather :—Tanned and dressed	per ton	1	8
Lime	per chaldron of 16 bolls	1	6
Limestone	per ton	0	3
Loam or moulding sand	per ton	0	3
Machinery	per ton	1	4
Do.	per barrel bulk	0	3
Manure :—Street	per ton	0	2
Meal	per 140 lbs.	0	2
Musical instruments	per barrel bulk	0	3
Oils	per tun	1	0
Ores :—Copper, iron, lead, and others	per ton	1	0
Passengers' luggage :—			
Not exceeding one barel bulk—free.			
All above one barrel bulk	per barrel bulk	0	3
Peats	per ton	0	3
Pitch	per barrel	0	3
Porter	per hogshead	0	4
Do., bottled	per barrel bulk	0	2
Potatoes	per ton	1	0
Poultry—including pigeons, game, &c.	per dozen	0	1
Any less quantity		0	0½
Rags :—			
Linen	per ton	1	8
Other rags, old ropes, and the like	per ton	0	10
Rape, cotton, or linseed cakes	per ton	2	0
Salt	per ton	0	10
Seeds :—			
Clover	per barrel bulk	0	3
Flax and Rape	per barrel bulk	0	3
Flax in bulk	per barrel bulk	0	3
Garden seeds	per barrel bulk	0	3
Hemp and canary	per barrel bulk	0	3
Rye Grass	per 8 bushels	0	3
Skins :—Seal	per 120	0	8

		s.	d.
Slates:—			
Under size	per 1,000	0	8
Sizeable	per 1,000	1	0
Over size	per 1,000	1	6
Soda	per barrel bulk	0	3
Spirits:—			
Foreign or British, imported	per gallon	0	1
Do. exported	per gallon	0	0½
Stones:—			
Rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Stones:—			
Rough ashlar freestone	per ton of 16 cubic feet	0	3
Pavement, not exceeding 3 inches thick	per 70 feet superficial	0	4
Do. above 3 inches thick	per 16 cubic feet	0	4
Scythe stones	per score	0	2
Mill stones	each	2	6
Burr stones	per ton	5	0
Steel	per ton	2	0
Sugar	per ton	2	0
Tallow	per ton	2	0
Tar	per barrel	0	3
Tea	per chest	0	4
Tiles, roofing	per 1,000	1	0
Tiles or pipes, for draining	per 1,000	0	8
Tin of all kinds	per ton	2	0
Tobacco	per ton	2	6
Treenails, under 2 feet in length	per 1,000	1	6
Do. exceeding 2 feet in length	per 1,000	2	6
Turnips	per ton	1	0
Turpentine	per hogshead	0	8
Vegetables	per cart load	0	2
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	3
Whalebone	per ton	2	6
Whitening	per ton	1	0
Wine	per hogshead	1	6
Do. bottled	per barrel bulk	0	6
Wood:—			
Fir, pine, and other descriptions not enumerated,	per load of 50 feet	0	10
Oak or Wainscot	per load of 50 feet	1	0
Fire wood	per fathom of 216 cubic feet	1	6
Laths or lathwood	per fathom of 216 cubic feet	1	6
Handspokes	per 120	3	0
Oars	per 120	5	0
Spars, under 22 feet in length and above 2½ and under 4 inches in diameter	per 120	4	0
Spars, 22 feet in length and upwards and not exceeding 4 inches in diameter	per 120	6	6
Spars of all lengths above 4 and under 6 inches in diameter,	per 120	12	0
Barrel staves	per 120	3	0
Spokes of wheels, not exceeding 2 feet in length	per 120	2	0
Do. exceeding 2 feet in length	per 120	2	6
Wedges	per 1,000	2	0
Pipe staves	per 120	1	2
Hogshead staves	per 120	1	0

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		s.	d.
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Coalpit props, common	per dozen	0	1½
Do. crowns	per dozen	0	2
Wool	per cwt.	0	6
Yarn	per ton	1	4
Zinc	per ton	2	0
All other goods not particularly enumerated in the above table :—			
Light goods	per barrel bulk	0	2
Heavy goods	per ton	1	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates to be charged.

Five cubic feet not exceeding two and a half hundred weight, to be rated as a barrel bulk, but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds.

	s.	d.
1. Cranes :—		
All goods or packages, not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
„ 2 tons „ 3 tons	0	6
„ 3 tons „ 4 tons	0	8
„ 4 tons „ 5 tons	0	10
„ 5 tons „ 6 tons	1	0
„ 6 tons „ 7 tons	1	2
„ 7 tons „ 8 tons	1	4
„ 8 tons „ 9 tons	1	8
„ 9 tons „ 10 tons	2	0
„ 10 tons	3	0

2. Weighing machines :—

For goods weighed, one penny for each ton or part of a ton.

3. Shed dues :—

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of threepence; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

Girvan.

GIRVAN.

Order for the Amendment of "The Harbour of Girvan Improvement Order, 1865," with respect to the Levying of Rates and to the Borrowing of Money.

Repeal of Clauses 13. and 18. of the Order of 1865.

1. Clauses 13 and 18 of "The Harbour of Girvan Improvement Order, 1865," in this Order called "the Order of 1865," shall be deemed to be expunged therefrom.

Power to levy rates.

2. The Commissioners may demand and receive rates in respect of the vessels, persons, animals, and goods described in the Schedule to the Order of 1865,

subject to the provisions of that Order, and of this Order, and subject and according to the following provisions, namely:—

(1.) Until the Commissioners have expended the sum of six thousand pounds on works authorized by the Order of 1865, they may demand and receive any rates not exceeding in each instance one half of those specified in the Schedule to that Order.

(2.) As soon as they have expended the sum of six thousand pounds on works authorized by the Order of 1865, they may demand and receive any rates not exceeding those specified in the said Schedule:

(3.) As soon as the harbour is completed and fit, at high water of ordinary spring tides, for the reception at all berths or jetties for loading coals, of vessels capable of carrying two hundred tons, they may demand and receive a rate of twopence per ton on all coals shipped within the harbour, in addition to the rate specified in the said Schedule;

Provided, that nothing herein contained shall authorize the Commissioners to levy the anchorage dues which before the commencement of the operation of the Order of 1865 were leviable, but which in terms of that Order have since ceased to be levied at the Harbour of Girvan.

Borrowing power.

3. The Commissioners may, from time to time, borrow on mortgage such money as may be required for the purposes of the Order of 1865, not exceeding in the whole the sum of twenty thousand pounds, on the security of the works authorized by that Order, and of the lands and property connected therewith, and of the rates authorized by that Order and by this Order, or of any of those particulars, or of any other property of the Commissioners; and any money borrowed under the Order of 1865 or this Order, and discharged otherwise than by means of the sinking fund, may be reborrowed if required for the purposes of the Order of 1865, and so *toties quoties:* Provided, that as soon as the said sum of twenty thousand pounds shall be paid off or discharged by means of the sinking fund, the additional rate of twopence per ton on coals, authorized by this Order, shall cease and determine.

Incorporation of part of 10 & 11 Vict. c. 16.

4. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order, subject to the provision that with reference to Section Eighty-four of the said Act the sum to be every year appropriated and set apart out of the rates as a sinking fund shall not be less than one fiftieth part of the principal monies borrowed, such appropriation to commence from the expiration of twelve months after full rates are exigible under this Order.

Application of money to be borrowed, and of rates and income.

5. The Commissioners shall apply all monies borrowed under this Order, or received by them from the rates authorized by the Order of 1856 and by this Order, for the purposes and in the manner directed by the Order of 1865; the interest accruing on money borrowed under this Order and any sum payable on account of the principal thereof, being substituted for the interest accruing on money borrowed under the Order of 1865, and any sum payable on account of the principal thereof.

Girvan.

Incorporation of Order of 1865.

6. The provisions of the Order of 1865 (save the clauses in this Order specified as expunged therefrom) shall remain in full force, and shall be read together with this Order as one Order.

Short title.

7. This Order may be cited as "The Harbour of Girvan Improvement Order, 1867," and this Order and the Order of 1865 may be cited together as "The Harbour of Girvan Improvement Orders, 1865 and 1867."

ROTHESAY.

Rothesay.

Order for the Extension and Construction of Piers, and for the Regulation of the Harbour of Rothesay, in the Burgh of Rothesay and County of Bute.

Undertakers.

1. The Trustees for the Harbour of Rothesay, under the Act of the first and second year of the reign of His late Majesty King William IV., chapter 34, intituled "An Act for improving, repairing, and maintaining the Harbours of the "Burgh of Rothesay in the County of Bute, and for building and maintaining "a Goal, Court House, and Offices for the said Burgh and County," herein-after called the Local Act, as such Trustees are now constituted under the Local Act, taken in connexion with the Act (Public General) of the Fifteenth and Sixteenth year of the reign of Her present Majesty, chapter 32, intituled "An Act to alter and amend certain Provisions in the Laws relating to the "Number and Election of Magistrates and Councillors in the Burghs in Scotland," shall be the Undertakers under this Order.

Power to take land by agreement.

2. For the purposes of the works authorized by this Order, the Undertakers may from time to time, by agreement, enter on, take, and use all or any part of the lands within the limits of deviation shown on the plans deposited for the purposes of this Order.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Works.

4. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans deposited for the purposes of this Order as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Undertakers may, in the lines and according to the levels, and within the limits of deviation shown on the plans and sections deposited for the purposes of this Order, make and maintain the works shown on the deposited plans.

Description of works.

5. The works authorized by this Order comprise the following:

An increase of the breadth of the front or north pier of the said harbour of Rothesay to the extent of 30 feet, or thereby, additional on the north side thereof; and an extension of the said pier in a north-westerly direction to a point in a line with the western boundary of the west pier of the said harbour, and distant 115 feet or thereby from the northern extremity of the said boundary:

A wharf

Rothesay.

A wharf or pier extending from the north-western extremity of the said north pier, as so extended, 256 feet or thereby in a north-westerly direction to a point opposite to and at a distance of 250 feet or thereby from the north-west corner of the ship-building yard the property of the burgh of Rothesay:

The filling up and embankment of the space between the said wharf or pier and Victoria Street:

A small boat slip at or near the north-west extremity of the said wharf or pier:

The deepening, cleansing, and scouring of the said whole harbour, and particularly of the outer or east harbour, and the entrance thereto:

With all necessary additional approaches, warehouses, sheds, offices, cranes, weighing machines, and other necessary works and conveniences.

Time for completion of works.

6. The time for the completion of the works authorized by this Order shall be seven years after the passing of the Act confirming this Order.

Limits of harbour. 9 & 10 Vict. c. 299.

7. And whereas by an Act passed in the ninth and tenth year of the reign of Her present Majesty intituled "An Act for regulating the Municipal Government and Police of the Royal Burgh of Rothesay," it was enacted that the jurisdiction for the purposes of the said Act of the provost and bailies and Procurator Fiscal of Rothesay, and of all the officers appointed under the said Act, should extend over the whole territory of the said burgh of Rothesay, and over the piers and harbours thereof, and over all boats and vessels in the said harbours and at the said piers, or lying within five hundred yards of the shore of said burgh, and over all persons and things on board of such boats and vessels; the limits of the harbour for the purposes of this Order shall include the whole works and property of the Trustees, and shall otherwise be co-extensive seaward with the jurisdiction conferred by the said Act, notwithstanding any other boundary of the harbour which may be laid down on any plan deposited with reference to this Order.

Application of Local Act to this Order.

8. The whole provisions of the Local Act, so far as applicable and not altered by this Order, shall extend and be applicable to the works hereby authorized and to the area of the harbour as herein defined.

Application of the Harbours, Docks, and Piers Clauses Act.

9. "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, excepting in so far as regards the provisions with respect to the construction of the works hereby authorized, and the saving of rights sections of the Act.

Trustees may levy rates.

10. The Trustees may demand and receive, for the use of the works hereby authorized to be constructed, on all ships, brigs, sloops, barges, lighters, yachts, steam vessels, steamboats, or other vessels or boats, entering or arriving at or using the said harbours or piers, or any of them, the rates, dues, and duties by the Local Act authorized to be levied for and at the said harbours, as modified by "The Harbours and Passing Tolls, &c. Act, 1861," to be levied, to the same extent, and by the same process, and in the same way and manner in all respects as the rates, dues, and duties leviable under the Local Act as so modified are and may be levied, demanded, and received.

Rates for use of cranes, &c.

11. The Trustees may also levy and take, for the use of all cranes, weighing machines, and other conveniences on any of their piers, any rates not exceeding those specified in the Schedule to this Order annexed.

Rothesay.

Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which for the time being treaties exist, exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of any of the works of the Trustees, and not breaking bulk when in use thereof, be exempt from the rates leviable under the Local Act and this Order.

Power to borrow.

13. For the purpose of the purchase of lands and property, and for the execution of the works hereby authorized, the Undertakers may, over and above any sums of money borrowed or to be borrowed under the authority of the Local Act, borrow and take up at interest on the credit of the whole rates, dues, and duties leviable by them under the Local Act and this Order, and of the other property vested in them, and in the manner by the Local Act provided or otherwise, any sum or sums of money not exceeding twenty-one thousand pounds, and, on any part of the same being repaid, re-borrow the same, if necessary.

Application of money borrowed.

14. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by the Local Act and this Order, and for payment of the expenses of this Order.

Exemption of Custom House officers from rates.

15. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage, and egress on, to, over and from the harbour, pier, and works to which this Order relates, by land and with their vessels, without payment.

Power to purchase, lease, provide, or hire steam or other dredges, &c.

16. The Trustees may, for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam-tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters, tools, plant, or other materials as they think fit; and may from time to time, as they think fit, sell and dispose of such dredges, tugs, vessels, diving bells, plant, and materials aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of the Local Act and this Order, or some of them.

Saving rights of mortgagees under Local Act.

17. Nothing in this Order contained shall prejudice any security given for any money borrowed under the Local Act and which may remain due at the time of the passing of the Act confirming this Order, and every security so given shall have priority over every security given for money borrowed under this Order.

Saving rights under Crown Lands Act, 1866.

18. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Short title.

19. This Order may be cited as "The Rothesay Harbour Order, 1867."

SCHE-

Rothesay.

SCHEDULE referred to in the foregoing Order.

Rates for the use of Cranes, Weighing Machines, &c.

I.—*Cranes.*

	s.	*d.*
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6
Or, in lieu of the above rates,		
For each hour or part of an hour	1	0

II.—*Weighing Machines.*

	s.	*d.*
For goods weighed, for each ton or part of a ton	0	2

III.—*Gangways.*

	s.	*d.*
For each horse	0	9
For each bull, cow, ox, or calf	0	6
For each score or part of a score of sheep	0	6
For each pig, or other animal not here specified	0	3

IV.—*Shed Dues.*

	s.	*d.*
For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt. which shall remain in the sheds or on the pier for a longer time than 48 hours, for the first day or part of a day	0	3
And for each day thereafter, per ton	0	1½
For each portmanteau, trunk, parcel or other article of passengers luggage, for each day or part of a day	0	2

SEAFORD.

Seaford.

Order for the Construction, Maintenance, and Regulation of a Pier at Seaford in the County of Sussex.

Incorporation of Company.

1. The following persons, namely, Henry Winter, James Hutton, and Thomas Hutchings, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the Pier and Works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Seaford Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and

Seaford.

with power to purchase take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The Seaford Pier Company, hereinafter called the Company, shall be the undertakers of the Works authorized by this Order.

Incorporation of Clauses Acts.

3. " The Companies Clauses Consolidation Act, 1845," and Part I. of " The Companies Clauses Act, 1863," are hereby incorporated with this Order.

Capital.

4. The capital of the Company shall be five thousand pounds, in five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

Calls.

6. No call shall exceed two pounds ten shillings a share, or be made payable within three months of a previous call.

Power to create preference shares.

7. The Company, with the sanction of at least three fifths in value of the votes of the Shareholders, present in person or by proxy, at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company, from time to time, may borrow on mortgage, at interest, any sum or sums of money, not exceeding in the whole one thousand six hundred pounds, but no money shall be so borrowed until the whole of the capital of five thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the justice who certifies under Section 40 of " The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The Mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a Receiver, and the amount to authorize a requisition for a Receiver is five hundred pounds.

No interest or dividend on calls.

10. The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any Shareholder on the amount called up in respect of shares held by him; but this provision shall not prevent the Company paying to any Shareholder interest on money advanced by him beyond the amount of calls actually made, in conformity with the provisions of " The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11. The Company shall not, out of any money so raised, pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

13. The

First general meeting.

13. The first general meeting of the Company shall be held, within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the Directors determine.

Number of Directors.

14. The number of Directors shall not be more than six or less than three.

Quorum of Directors.

15. The quorum of a meeting of Directors shall be two.

First Directors.

16. Henry Winter, James Hutton, Thomas Hutchings, with such other Shareholders (if any) as they add to their number, shall be the first Directors; and the first Directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and Directors shall be elected by the meeting, the retiring Directors being eligible.

Qualification.

17. The qualification of a Director elected by the Shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the Directors shall, from time to time, be fixed by a general meeting, and shall be divided among the Directors as they determine.

Power to take lands by agreement.

19. For the purposes of the Works authorized by this Order, the Company may from time to time, by agreement, enter on, take, and use all such parts of the lands shown on the deposited plans as they think requisite for the purposes of the proposed Pier and Works, and the conveniences connected therewith.

Incorporation of Lands Clauses Act.

20. "The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order.

Power to make Works.

21. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited Plan, as the Board of Trade require from time to time before the completion of the Works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels shown on the deposited plan and section (as far as the same are shown thereon), and within the limits of deviation shown on the Plan, make and maintain the Pier and Works authorized by this Order.

Description of works authorized.

22. The Works authorized by this Order comprise the following:—

A Promenade Pier at Seaford in the County of Sussex, with a Landing Place and all necessary works and conveniences for the embarking and landing of passengers, goods, and merchandise, and for other purposes, commencing at a point at or near high water mark, situate eight chains, or thereabouts, west of the west side of Seaford Battery, in the Parish of Seaford, otherwise Meeching, in the County of Sussex, and extending from such point of commencement into the sea, in a south-westerly direction, a distance of four hundred and fifty feet or thereabouts.

Power to take rates according to Schedule to this Order.

23. The Company may demand and receive in respect of the vessels, goods, persons and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom,

Seaford.

Kingdom, shall, when forced by stress of weather to make use of the Pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the Pier.

25. The Company may grant to passengers and promenaders, or others, pass tickets for the use of the Pier, on such terms and for such a period, not exceeding one year, as are agreed on, but so that no preference be given to any person. Such pass ticket shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses, or attempts to use, any false or counterfeit ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Custom House officers exempt from rates.

26. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the Pier, by land and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

27. The Company shall not purchase, for extraordinary purposes, lands exceeding in extent, in the whole, three acres.

Meters and Weighers.

28. The Company shall have the appointment of Meters and Weighers on, or in connexion with, the Pier.

Parts of Harbours, &c., Act, 1847, excepted.

29. The following sections of "The Harbours Docks and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, Sections Sixteen to Nineteen, and Twenty-one to Twenty-three, all inclusive.

Steam engines, diving bells, lighters, &c.

30. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels and things, as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 and 25 Vict. c. 47. to apply.

31. Part V. of "The Harbours and Passing Tolls, &c., Act, 1861," shall apply to the Works authorized by this Order.

Restriction on use of Pier.

32. Nothing in this Order shall entitle any person, with any vessel or boat, to ship or unship at the Pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the Pier for recreation, or for the embarking or landing of passengers.

Saving of rights under Crown Lands Act, 1866.

33. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Short Title.

34. This Order may be cited as "The Seaford Pier Order, 1867."

Seaford.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters, for each trip, per ton	0	2
All boats, entirely open, landing or taking on board goods, each	0	6

II.—Rates of Goods shipped or unshipped at the Pier.

	s.	*d.*
Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3
Ditto, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per tun of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Butter, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:—		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding 1 cwt.	0	6
Carriages:—		
Chaises and other four-weeeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3

Seaford.

	s.	*d.*
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries (not enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:		
Bar, bolt, rod, and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, eac	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cube feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3

Seaford.

	s.	d.
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap, and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3
Wine, per hogshead	1	0
Ditto bottled, per dozen bottles	0	2
Wood:		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto, 2½ inches in diameter and under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	3	0
Trenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe staves and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

Seaford.

All other goods not particularly enumerated above.

	s.	*d.*
Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

III.—RATES FOR USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

1st, *Rates of Craneage.*

All goods of packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
Exceeding 2 tons and not exceeding 3 tons	0	8
Exceeding 3 tons and not exceeding 4 tons	0	10
Exceeding 4 tons and not exceeding 5 tons	1	0
Exceeding 5 tons and not exceeding 6 tons	1	2
Exceeding 6 tons and not exceeding 7 tons	1	4
Exceeding 7 tons and not exceeding 8 tons	1	6
Exceeding 8 tons and not exceeding 9 tons	1	10
Exceeding 9 tons and not exceeding 10 tons	2	4
Exceeding 10 tons	3	6

2nd, *Weighing Machines.*

For goods weighed, for each ton or part of a ton	0	2

3rd, *Shed Dues.*

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.

For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day, per package	0	2

IV.—RATES FOR SUPPLYING WATER ON PIER.

Water, per 1,000 gallons	10	0

V.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

For every passenger or other person who shall land on the pier from, or embark from it, on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	4
For every Bath or sedan chair taken on the pier, for each and every time, not exceeding	0	6
For every perambulator	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Seaford, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0

VI.—RATES ON PASSENGERS' LUGGAGE.

	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition	0	1

Pier and Harbour Orde
Confirmation.

A

B I L L

[AS AMENDED BY THE SELECT COMMITT

For confirming certain Provisional Or
made by the Board of Trade under
General Pier and Harbour Act, 18
relating to Balbriggan, Cleethor
Cromer, Dingwall, Girvan, Rothe
and Seaford.

(Prepared and brought in by
Mr. Dodson, Mr. Stephen Cave, and Mr. Hun

Ordered, by The House of Commons, *to be Pri*
21 *May* 1867.

[Bill 163.]

Under 6 *oz.*

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray and Irvine.

Preamble.
24 & 25 Vict. c. 45.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the Schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Orders in Schedule.

1. The several Orders set out in the Schedule to this Act shall be and the same are hereby confirmed, and all the Provisions thereof

in Manner and Form as they are set out in the said Schedule shall, from and after the *passing of this Act,* have full Validity and Force.

Short Title. **2.** This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1867 (No. 2).

The SCHEDULE of Orders.

1. BRAY.—Construction of a Pier.
2. IRVINE.—Improvement of Harbour.

BRAY.

Order for the Construction, Maintenance, and Regulation of a Pier at Bray, in the County of Wicklow.

Bray.

The undertakers.

1. The Bray Promenade Pier Company (Limited), in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order the Company may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the plans deposited for the purposes of this Order as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels, and within the limits of deviation shown on the plans and sections deposited for the purposes of this Order, make and maintain the works shown on the deposited plans.

Description of pier.

5. The works authorized by this Order comprise the following:—

The construction of a Pier, commencing at or near a point on the foreshore, distant seven chains, or thereabouts, eastward from the eastern rail of the level crossing of the Dublin and Wicklow Railway, at the Bray Station of the said Railway, in the township of Bray, parish of Bray, and the county of Wicklow, and extending thence seaward in an easterly direction one thousand feet or thereabouts, with a landing place, and all necessary works, sea-walls, promenades, approaches, and conveniences for the embarking and landing of passengers, goods, and merchandise, and other purposes.

Pier to be open.

6. The Pier shall be constructed and maintained of open timber or iron work, and shall not be at any time solidified to any extent, except with the previous approval in writing of the Board of Trade.

Vessels not to be moored at pier.

7. Vessels or Boats shall not be allowed to be moored alongside of the Pier, or to remain there longer than is necessary for landing or embarking passengers or goods.

Power to take rates according to Schedule to this Order.

8. The Company may demand and receive in respect of the vessels, goods, persons, and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

9. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United

Bray.

Kingdom, shall, when forced by stress of weather to make use of the Pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of the pier.

10. The Company may grant to passengers and promenaders or others pass tickets for the use of the Pier, on such terms and for such a period not exceeding one year as are agreed on, but so that no preference be given to any person. Such a pass shall not be transferable, and shall not be used by any person except the person for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847;" (for all the purposes of which Act this Order shall be deemed the Special Act).

Custom House officers exempt from rates.

11. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage, and egress to, on, along, and from the Pier by land, and with their vessels and otherwise, without payment.

Lands for extraordinary purposes.

12. The Company shall not purchase for extraordinary purposes land exceeding in extent in the whole three acres.

Meters and weighers.

13. The Company shall have the appointment of Meters and Weighers on or in connexion with the Pier.

Parts of Harbours, &c. Act, 1847, excepted.

14. The following Sections of "The Harbour, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, Sections sixteen to nineteen, and twenty-one to twenty-three, all inclusive.

Steam Engines, diving bells, lighters, &c.

15. The Company may provide such steam engines, steam vessels, tugs, piling engines, diving bells, ballast lighters, rubbish lighters, moorings, dredging machines, and other machinery, vessels, and things as they think necessary for effectuating any of the purposes of this Order, and may demand and receive such sums for the use of the same as they think reasonable.

Part V. of 24 & 25 Vict. c. 47. to apply.

16. Part V. of "The Harbours and Passing Tolls, &c., Act, 1861," shall apply to the Works authorized by this Order.

Restriction on use of pier.

17. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the Pier authorized by this Order any sheep, cattle, or merchandise, or to ship or unship there any thing which in the judgment of the Company might in any manner interfere with the use of the Pier for recreation or for the embarking or landing of passengers.

Toll-houses, &c.

18. The Company may erect on the Pier or Promenade toll-houses, waiting, refreshment, and other rooms, and demise the same either wholly or in part for any term or terms of years.

Foreshore rights.

19. The Bray Commissioners may, by order under their corporate seal and with the consent of the Board of Trade, vary or extinguish any regulation, right, or privilege now existing as to the use or enjoyment by any person or persons of so much of the soil and foreshore between low-water mark and the first line of columns or piles as may be occupied by the said Pier or Promenade and works.

Bray.

Repeal of previous Orders relative to Bray.

20. "The Bray Pier and Harbour Order, 1863," confirmed by "The Pier and Harbour Orders Confirmation Act, 1863," and "The Bray Pier and Harbour (Extension) Order, 1864," confirmed by "The Pier and Harbour Orders Confirmation Act, 1864," shall be and the same Orders respectively are hereby from and after the passing of the Act confirming this Order repealed.

Saving of rights under management of Board of Trade.

21. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving for corporations, &c.

22. This Order shall not operate to take away or abridge any right, privilege, power, jurisdiction, or authority given or reserved to any person or corporation by any local or other Act of Parliament without the consent in writing of such person under his hand, or of such corporation under their seal.

Short title.

23. This Order may be cited as "The Bray Promenade Pier Order, 1867."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons, and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton	*1*	*0*
All lighters, for each trip, per ton	*0*	*2*
All boats entirely open landing or taking on board goods, each	*0*	*6*

II.—Rates on Goods shipped or unshipped at the Pier.

	s.	*d.*
Ale, beer, and porter, per hogshead	*0*	*6*
Ale (bottled), per barrel	*0*	*4*
Ditto, per dozen bottles	*0*	*1*
Anchors, per cwt.	*0*	*9*
Anchor stock, per foot run	*0*	*2*
Bark, per ton	*2*	*0*
Bedding, per bundle	*0*	*3*
Beef or pork, per cwt.	*0*	*3*
Ditto, per barrel	*0*	*6*
Biscuit or bread, per cwt.	*0*	*3*
Blubber, per tun of 252 gallons	*3*	*0*
Bones and bone dust, per ton	*1*	*6*
Bottles, per gross	*0*	*9*
Bricks, per 1,000	*1*	*6*
Butter and lard, per barrel	*0*	*6*
Ditto, per firkin	*0*	*3*
Cables, iron or hempen, per ton	*3*	*0*

Bray.

	s.	d.
Canvas, per bolt	*0*	*1*
Casks (empty), not being returned packages, per puncheon	*0*	*3*
Other casks in proportion.		
Cattle :—		
Bulls, cows, and oxen, each	*3*	*0*
Calves, each	*1*	*0*
Horses, each	*4*	*0*
Pigs, each	*0*	*6*
Sheep, each	*1*	*0*
Chalk, per ton	*1*	*0*
Cheese, per cwt.	*0*	*4*
Chimney pots, each	*0*	*3*
Clay, per ton	*1*	*0*
Cloth, haberdashery, &c., per package not exceeding 1 cwt.	*0*	*6*
Carriages :—		
Chaises and other four-wheeled carriages, each	*7*	*6*
Gigs, carts, and other two-wheeled carriages, each	*5*	*0*
Hand-carts and perambulators, each	*1*	*0*
Coals, per ton	*1*	*0*
Copper, per ton	*3*	*0*
Cordage, per cwt.	*0*	*3*
Cork, per cwt.	*0*	*6*
Corpses, each	*20*	*0*
Crystal, per box or package	*0*	*6*
Dogs, each	*0*	*6*
Drugs (in casks, hampers, or boxes), per foot	*0*	*2*
Earthenware (in crates), per foot	*0*	*1*
Eggs, per box	*0*	*3*
Fish (dried and salted), per cwt.	*0*	*3*
Ditto, fresh (not enumerated), per cwt.	*0*	*2*
Flax, per ton	*2*	*0*
Flour and meal, per sack	*0*	*4*
Ditto, per barrel	*0*	*3*
Fruit, per bushel or sieve	*0*	*4*
Furniture (household), per 5 cubic feet	*0*	*4*
Glass, per large crate	*1*	*6*
Ditto, per small crate or case	*1*	*0*
Ditto, per box	*0*	*6*
Grains and seeds, per quarter	*0*	*6*
Groceries (not enumerated)	*0*	*6*
Guano, per ton	*1*	*6*
Gunpowder, per barrel or keg	*0*	*6*
Hams, bacon, or tongues, per cwt.	*0*	*4*
Hardware, per ton	*2*	*6*
Hares and rabbits, per dozen	*0*	*4*
Hay, per ton	*1*	*6*
Ditto, per truss	*0*	*2*
Hemp, per ton	*2*	*0*
Herrings (fresh), per 1,000	*0*	*3*
Ditto (cured), per barrel	*0*	*3*
Hides :—		
Ox, cow, or horse (wet or dry), each	*0*	*2*
Iron :—		
Bar, bolt, rod, and shots, per ton	*1*	*6*
Pig and old, per ton	*1*	*0*
Manufactured, per ton	*2*	*6*
Pots, each	*0*	*1*

Bray.

	s.	*d.*
Kelp, per ton	*2*	*0*
Lead, per ton	*2*	*6*
Leather, tanned and dressed, per cwt.	*0*	*3*
Lime, per 28 bushels	*1*	*4*
Limestone, per ton	*1*	*0*
Machinery, per ton	*2*	*6*
Manure (not enumerated), per ton	*1*	*0*
Masts and spars, 10 inches in diameter and upwards, each	*4*	*6*
Ditto, under 10 inches	*3*	*0*
Meat (fresh), per cwt.	*0*	*6*
Milk, per gallon	*0*	*0½*
Musical instruments, per cube foot	*0*	*1*
Nets, per 5 cube feet	*0*	*4*
Oakum, per cwt.	*0*	*2*
Oils, per tun	*2*	*0*
Oilcake, per ton	*2*	*0*
Oranges and lemons, per box	*0*	*6*
Ores, per ton	*1*	*0*
Oysters, per bushel	*0*	*3*
Paint, per cwt.	*0*	*4*
Pitch and tar, per barrel	*0*	*6*
Potatoes, per cwt.	*0*	*2*
Poultry and game, per dozen	*0*	*4*
Rags and old rope, per ton	*2*	*0*
Sails, per cwt.	*0*	*6*
Salt, per cwt	*0*	*1*
Sand, per ton	*1*	*0*
Shrimp baskets, each	*0*	*2*
Skins: Calf, goat, sheep, lamb, or dog, per dozen	*0*	*6*
Slates, per ton of 24 cubic feet	*2*	*0*
Spirits (Foreign and British), per hogshead	*1*	*0*
Ditto, Ditto, per gallon	*0*	*1*
Stones, per ton of 16 cubic feet	*1*	*6*
Steel, per ton	*3*	*0*
Sugar, per cwt.	*0*	*3*
Tallow, soap, and candles, per cwt.	*0*	*3*
Tea, per chest	*1*	*0*
Tiles, per 1,000	*1*	*6*
Tin and zinc, per ton	*3*	*0*
Tobacco, per cwt.	*0*	*6*
Turbot, per score	*0*	*3*
Turnips, per ton	*0*	*6*
Turpentine and varnish, per barrel	*0*	*6*
Turtle, each	*2*	*6*
Vegetables (not enumerated), per cwt.	*0*	*4*
Vinegar, per hogshead	*0*	*6*
Vitriol, per carboy	*1*	*0*
Water, per cask	*0*	*3*
Wine, per hogshead	*1*	*0*
Ditto, bottled, per dozen bottles	*0*	*2*
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	*1*	*6*
Oak or wainscot, per load of 50 feet	*2*	*0*
Firewood, per 216 cubic feet fathom	*1*	*6*
Laths and lathwood, per fathom of 216 cubic feet	*2*	*6*
Handspikes, per 120	*3*	*0*

Bray.

	s.	d.
Wood—*continued.*		
Oars, per 120	5	0
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto, 2½ inches in diameter or under, per 120	4	0
Ditto, 22 feet in length and upwards, and not exceeding 4 inches diameter, per 120	9	0
Ditto, above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per ton	3	0
Treenails, per 1,000	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

Light goods, per cubic foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement on all goods to be taken; and for any less weights, measures, and quantities than those above specified a portion of the respective rates shall be charged.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Craneage.

	s.	d.
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
,, 2 tons ,, 3 tons	0	8
,, 3 tons ,, 4 tons	0	10
,, 4 tons ,, 5 tons	1	0
,, 5 tons ,, 6 tons	1	2
,, 6 tons ,, 7 tons	1	4
,, 7 tons ,, 8 tons	1	6
,, 8 tons ,, 9 tons	1	10
,, 9 tons ,, 10 tons	2	4
,, 10 tons	3	6

2nd. Weighing Machines.

For goods weighed, for each ton or part of a ton	0	2

3rd. Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.

For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day or part of a day, per package	0	2

IV.—Rates for supplying Water on Pier.

Water, per 1,000 gallons	10	0

Bray.

V.—RATES ON PASSENGERS AND PROMENADERS USING THE PIER.

	s.	d.
For every passenger or other person landing on the pier from, or embarking from it on board of, any ship, vessel, packet, or passage boat, for each time any sum not exceeding	*0*	*6*
For every person using the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding	*0*	*4*
For every bath or sedan chair taken on the pier, for each time any sum not exceeding	*0*	*6*
For every perambulator taken on the pier, for each time any sum not exceeding	*0*	*2*
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Bray, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	*20*	*0*

VI.—RATES ON PASSENGERS LUGGAGE.

	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs.	*0*	*4*
Over 84 lbs. and not exceeding 112 lbs.	*0*	*5*
Over 112 lbs. and not exceeding 140 lbs.	*0*	*6*
Over 140 lbs. and not exceeding 196 lbs.	*0*	*7*
Over 196 lbs. and not exceeding 2 cwt.	*0*	*8*
And for every cwt. beyond	*0*	*4*
And for every 20 lbs. weight in addition	*0*	*1*

IRVINE.

Irvine.

Order for the Management and Improvement of the Harbour of Irvine in the County of Ayr.

Repeal of certain sections of the Local Act relating to the harbour.

1. From and after the second day of September one thousand eight hundred and sixty-seven the sections of the Local Act seventh George the Fourth, chapter one hundred and seven, relating to the harbour of Irvine, in the county of Ayr (in this Order termed "the Local Act"), which are specified in the Schedule (A.) annexed to this Order, shall be and are hereby repealed in whole or in part as therein mentioned: Provided, that sections 88 to 97, both inclusive, of the Local Act are repealed only in so far as the same apply to the harbour of Irvine and the harbour trustees appointed by the Local Act, and that the last-mentioned sections shall remain in force in so far as the same apply to the bridge of Irvine and the trustees appointed for executing the purposes of the Local Act relating to the said bridge and accesses leading thereto.

Appointment and incorporation of trustees.

2. The Magistrates and Town Council of the burgh of Irvine, and the convener of the incorporated trades of Irvine, and their and his successors in office respectively, and such number of owners of vessels registered as belonging to the harbour of Irvine, not exceeding seven, as may annually be elected in

the manner herein-after prescribed, shall be the trustees for carrying the Local Act, so far as it relates to the harbour and this Order, into execution; and the trustees and their successors shall be and are hereby, for the purposes of the Local Act relating to the harbour and of this Order, incorporated by the name of "The Irvine Harbour Trustees," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, lease, take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of the Local Act relating to the harbour and of this Order.

Interpretation.

3. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated therewith shall have the same respective meanings; and in this Order and in the said Acts as incorporated therewith, the following expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions respectively; that is to say, the expression "the Special Act" shall mean this Order the expression "the harbour" shall mean the harbour of Irvine and the works in and connected therewith; and the expression "the trustees" shall mean the Irvine Harbour trustees incorporated by this Order.

Qualification of shipowners.

4. For the purposes of the election of the said seven or any less number of shipowners to be trustees under the Local Act and this Order, any person who is the owner or part owner to the extent of at least twenty tons of or in any vessel or vessels registered in the books of the Custom House as belonging to the port of Irvine, shall be qualified to vote in the election of the said trustees, and to be elected one of the said trustees.

Election of trustees by shipowners.

5. A meeting of shipowners, qualified as aforesaid, shall be held in the burgh of Irvine on the first Monday of August one thousand eight hundred and sixty-seven, and on the first Monday of August in every year thereafter; and at every such meeting the shipowners present may choose one of their number to be chairman of the meeting, and may thereafter elect such number of persons qualified as aforesaid, not exceeding seven, as they think fit, to be trustees under the Local Act and this Order; and a copy of the minutes of the meeting, signed by the chairman, shall be sufficient evidence of the election of the trustees therein stated to be elected.

Notice of meeting for re-election of trustees.

6. Notice of every meeting of shipowners for the election of trustees, stating the time and place and the object of the meeting, shall be inserted by the clerk or treasurer of the trustees in one newspaper published in the county of Ayr, fourteen days at the least previous to such meeting.

Proceedings not to be invalidated by non-election of trustees.

7. Any proceeding of the trustees shall not be invalidated or be illegal by the non-election of any trustee, or by the want of qualification of any person acting as a trustee, or by any informality in the election of any trustee.

Harbour and works vested in the trustees.

8. From and after the second day of September one thousand eight hundred and sixty-seven all the estate, right, and interest, and all the powers of the harbour trustees appointed by the Local Act in or over the harbour of Irvine, and in, over, or in respect of the lands, works, wharves, quays, property, rights, and privileges connected therewith, shall be and are hereby vested in the Irvine harbour trustees incorporated by this Order, subject to the debts, contracts, obligations, and liabilities affecting the same; and the said harbour and works

Irvine.

shall thereafter be maintained, repaired, regulated, extended, and improved by the trustees, under the authority and subject to the provisions of this Order and the Acts incorporated therewith, and of the Local Act so far as not repealed by this Order; and the trustees shall have and may exercise all the powers conferred by the Local Act on the harbour trustees thereby appointed, so far as not repealed by this Order; and the expression "harbour trustees" in the Local Act, and expressions therein referring to the said harbour trustees, shall mean the Irvine harbour trustees incorporated by this Order.

Provision for payment of debts.

9. Any money borrowed on the credit or security of the harbour rates, and duties leviable under the authority of the Local Act, and all other debts and money due or payable by the harbour trustees thereby appointed at the second day of September one thousand eight hundred and sixty-seven, shall be payable and paid by the trustees; and all harbour rates and duties, and arrears of harbour rates and duties, and all other debts and money belonging, due, or payable to the said harbour trustees at the same date, shall be payable to the trustees, and shall be recoverable by them in the same way as such rates and duties and arrears of rates and duties, and other debts and money would or might have been payable to or recoverable by the said harbour trustees if this Order had not been made.

Conveyances and contracts to remain in force.

10. All conveyances, contracts, and other deeds granted by, to, or in favour of the harbour trustees appointed by the Local Act shall be and remain as valid and effectual as if this Order had not been made, and may be enforced by and against the trustees in the same way and to the same extent and effect as such conveyances, contracts, and other deeds might or could have been enforced by or against the said harbour trustees if this Order had not been made.

Trustees to be the undertakers.

11. The trustees shall be the undertakers of the works authorized by this Order.

Limits of harbour.

12. The limits within which the trustees shall have authority, and which shall be deemed the limits to which the provisions of the Local Act relating to the harbour and this Order extend, shall comprise the harbour of Irvine and the works in and connected therewith, and the beds or channels of the rivers Irvine and Garnock in and through and from the harbour to the bay of Irvine, and the works by this Act authorized, and the lands, foreshore, and sea on which the same are or may be situate.

Incorporation of Commissioners Clauses Act.

13. "The Commissioners' Clauses Act, 1847," so far as the same is not inconsistent with the provisions of this Order, shall be incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the trustees collectively and severally, subject to the following provisions:—

(1.) Sections 6 and 7, and sections 17 to 35, both inclusive, of the said Act, shall not be incorporated with this Order:

(2.) With reference to sections 36 and 40 of the said Act, the first meeting of the trustees shall be held in the council room of the burgh of Irvine on the third Tuesday of September One thousand eight hundred and sixty-seven at twelve o'clock noon, and an annual meeting of the trustees shall be held on the third Tuesday

Irvine.

of September in every year thereafter at the place and hour abovementioned:

(3.) With reference to section 37 of the said Act, the provost of the burgh of Irvine for the time being shall ex officio be the chairman of the trustees:

(4.) Sections 54 and 84 of the said Act shall not be incorporated with this Order:

(5.) With reference to section 90 of the said Act it shall not be obligatory on the trustees to cause the statement and account therein mentioned to be printed:

(6.) With reference to section 92 of the said Act, the sheriff of the county of Ayr, or the sheriff substitute at Kilmarnock, shall, from time to time, on the application of the trustees, appoint a properly qualified person not being one of the trustees or holding office under them, to be the permanent auditor of the accounts of the trustees; and if the office of such auditor become vacant by death or any other cause, the said sheriff or sheriff substitute shall from time to time, on the application of the trustees, appoint a person properly qualified as aforesaid to supply the vacancy:

(7.) The word "Commissioners" in the said Act, as incorporated with this Order, shall mean the Irvine harbour trustees incorporated by this Order.

Power to take lands by agreement.

14. For the purposes of the works authorized by this Order, the trustees may from time to time, by agreement, enter on, take, and use such lands in and around the harbour as may be required for the said works, not exceeding in the whole twenty acres.

Incorporation of Lands Clauses Acts.

15. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Power to execute works.

16. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plan as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the trustees may, on the lands vested in, or purchased, or acquired by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the works shown on the deposited plan and sections and hereinafter described.

Description of works.

17. The works authorized by this Order comprise the following:—

(1). A breakwater on the north side of the river Irvine, commencing at or near high-water mark, and extending seven hundred and seventy yards or thereabouts in a south-westerly direction into the bay of Irvine; and

(2.) A breakwater on the south side of the river Irvine, commencing at or near the outer end of the existing breakwater, and extending six hundred and sixteen yards or thereabouts in a westerly direction into the bay of

Irvine.

Further powers as to works.

18. The trustees may also make, execute, and maintain the following works authorized by this Order:—

(1.) All embankments, piers, jetties, piles, wharves, loading berths, landing places, roads, approaches, and other works and conveniences in and connected with the harbour and the breakwaters before described; and

(2.) The sufficient and effectual dredging, scouring, cleansing, and removing of any banks of sand or mud within or adjoining the harbour or works, or in the river Irvine or the river Garnock, or in the approaches to the harbour.

Power to levy rates.

19. The trustees may demand and receive in respect of vessels, animals, fish, and goods described in the Schedule (B) annexed to this Order, any sums not exceeding the several rates specified in the said Schedule.

Certain fishing vessels under stress of weather exempt from rates.

20. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom, shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Customs officers.

21. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through and out of the harbour and the works of the trustees, by land and with their vessels, and otherwise without payment.

Rates may be leased

22. The trustees may from time to time lease the rates authorized by this Order for any period not exceeding ten years, and for such rent or consideration, and on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering the said rates as the trustees have or might exercise under "The Harbours, Docks, and Piers Clauses Act, 1847," and this Order.

Borrowing powers.

23. The trustees may from time to time borrow on mortgage such money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of ten thousand pounds, on the security of the harbour and existing works, and of the works authorized by this Order, and of the lands and property connected therewith respectively, and of the rates authorized by this Order, and any other property of the trustees; and any money borrowed under this Order, and discharged otherwise than by means of the sinking fund, may be re-borrowed, if required, for the purposes of this Order, and so *toties quoties.*

Trustees may borrow on cash account.

24. The trustees may accept and take from any bank or banking company in Scotland credit on a cash account to be opened and kept with such bank or banking company in the name of the trustees, according to the usage of bankers in Scotland, to the extent of the sum which the trustees are by this Order authorized to borrow or any part thereof, and may assign the rates authorized by this Order in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account, with interest thereon.

Money to be applied for the purposes of Order.

25. Every part of the money borrowed by the trustees under this Order shall be applied only for the purposes authorized by this Order.

Irvine.

Power to Town Council of Irvine to borrow money on security of the burgh property.

26. It shall be lawful for the Magistrates and Council of the burgh of Irvine, and they are hereby authorized, if they think fit, from time to time to borrow any sum or sums of money not exceeding ten thousand pounds on the security and credit of the common good, or corporate property, funds or revenue of the said burgh, for the purpose of defraying or contributing to defray the expense of the works at and in connexion with the harbour authorized by the Local Act and this Order, and to grant bonds and dispositions in security and all other deeds necessary for that purpose.

Money borrowed by Town Council to be paid to the trustees.

27. Every part of the money to be borrowed by the said Magistrates and Council under the authority of this Order shall be advanced and lent to the trustees, and shall be applied by them only for the purposes of the works authorized by this Order; and the trustees may assign the rates authorized by this Order to the said Magistrates and Council, in security of the payment of the principal money so advanced and lent and the interest thereon, and may grant mortgages or assignations in security and all other deeds necessary for that purpose.

Limitation of borrowing powers of trustees and Town Council.

28. Any money advanced and lent by the said Magistrates and Council to the trustees shall be held as part of the said sum of ten thousand pounds which the trustees are by this Order authorized to borrow; and the whole sums borrowed by the trustees on mortgage or on cash account, and by the said Magistrates and Council, or either of them, under the authority of this Order, shall never when taken together exceed the said sum of ten thousand pounds.

Form of assignations in security and transfers.

29. The mortgages or assignations in security to be granted by the trustees for money borrowed under the authority of this Order, and all transfers thereof, may be in the forms contained in the Schedule (B.) annexed to "The Burgh Harbours (Scotland) Act, 1853," or to the like effect.

Application of rates and income.

30. The trustees shall apply all money received by them from the rates authorized by this Order, and all other income coming into their hands in respect of the harbour and existing works, and of the works authorized by this Order, or from lands or property connected therewith, for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of this Order;

(2.) In paying year by year the interest accruing on money borrowed under the authority of the Local Act;

(3.) In paying the expense of the maintenance, repair, management, and regulation of the harbour and works connected therewith;

(4.) In paying year by year the interest accruing on money borrowed under this Order;

(5.) In paying the cost of the works authorized by this Order, and of purchasing and acquiring lands and property for the purposes thereof; and generally in paying any expense incurred in improving the harbour;

(6.) The surplus revenue of the harbour (if any), after providing for the purposes aforesaid, shall be applied in creating a sinking fund for the repayment of the principal monies borrowed by the trustees or by the said Magistrates and Council.

Irvine.

Trustees may provide dredges, engines, &c.

31. The trustees may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials, as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realized shall be applied for carrying into effect the purposes of this Order, or some of them.

Pilotage, lights, buoys, and beacons.

32. The trustees shall be a pilotage authority and local authority within the meaning of "The Merchant Shipping Act, 1854," and the Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Meters and weighers.

33. The trustees shall have the appointment of meters and weighers within the limits of the harbour.

Lands for extraordinary purposes.

34. The trustees shall not acquire, for extraordinary purposes, lands exceeding in extent in the whole three acres.

Exception of parts of Harbours Clauses Act.

35. Sections sixteen, seventeen, eighteen, nineteen, twenty-five, and twenty-six of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Commencement of Order.

36. The provisions contained in clauses four, five, and six of this Order, with respect to the election of trustees by shipowners, shall take effect and be in force from and after the passing of the Act confirming this Order; and all the other clauses and provisions of this Order shall take effect and be in force from and after the second day of September one thousand eight hundred and sixty-seven.

Saving Clauses.

37. Nothing in this Order contained shall prejudice any security given for money borrowed under the Local Act and remaining due at the time of the passing of the Act confirming this Order, and every security so given shall have priority over securities given for money borrowed under this Order.

Saving of rights under Crown Lands Act, 1866.

38. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short title.

39. This Order may be cited as "The Irvine Harbour Improvement Order, 1867."

Irvine.

SCHEDULES to which the foregoing Order refers.

SCHEDULE (A.)

Title of Local Act.	Sections repealed in whole or in part.
An Act for widening and improving the bridge of Irvine, for making streets communicating thereto, and for more effectually enlarging, deepening, improving and maintaining the harbour of Irvine, in the county of Ayr.—7 George IV., chapter cvii.	Sections 46, 47, 48, 49, 51 to 80, both inclusive, 86 and 87 wholly repealed. Sections 88 to 97, both inclusive, repealed in so far as the same apply to the harbour of Irvine and the harbour trustees appointed by the Local Act.

SCHEDULE (B.)

I.—Rates on Vessels entering or using the Harbour.

	Per Register Ton.	
	s.	*d.*
For every vessel under the burden of 15 tons	*0*	*4*
For every vessel of the burden of 15 tons, and under 50 tons	*0*	*6*
For every vessel of the burden of 50 tons, and under 100 tons	*0*	*8*
For every vessel of the burden of 100 tons, and under 150 tons	*0*	*10*
For every vessel of the burden of 150 tons and upwards	*1*	*0*
All lighters from any vessel in the roads shall be exempted from rates; but if the vessel do not enter the harbour, every lighter shall pay for each trip	*0*	*2*
All boats, entirely open, landing or taking on board goods, or dried or salted fish, one shilling each.		
All drave or large boats entering the harbour or precincts thereof with fresh fish, fourpence each.		

II.—Rates on Animals, Fish, and Goods shipped, unshipped, or transshipped within the Harbour.

	s.	*d.*
Albertite or Bitumen, per ton	*1*	*6*
Ale, per hogshead	*0*	*6*
Do., bottled, per barrel bulk	*0*	*3*
Bark, per ton	*1*	*0*
Beef or pork, per ton	*1*	*4*
Do., per barrel	*0*	*2*
Blubber, per tun of 252 gallons	*1*	*0*
Bone dust, per ton	*2*	*0*
Bones of cattle, per ton	*0*	*6*
Bottles, per gross	*0*	*2*
Bricks, per 1,000	*0*	*8*
Casks:—		
Empty, not being returned packages, per puncheon	*0*	*3*
Other casks in proportion.		

Irvine.

	s.	d.
Cattle:—		
Bulls, each	0	3
Cows and oxen, each	0	2
Calves, each	0	0½
Horses, each	0	3
Pigs, each	0	0½
Sheep, per score	0	6
Lambs, per score	0	3
Chalk, per ton	0	8
Chimney cans, per 100	1	4
Clay, fire, manufactured, per ton	0	6
Do., common, per ton	0	2
Cloth, haberdashery, &c. per barrel bulk	0	2
Coaches:—		
Chaises, and other four-wheeled carriages, each	0	8
Gigs, carts, and other two wheeled carriages, each	0	6
Coal—Scotch, English, smithy, or culm, per ton	0	4
Coke, per ton	0	4
Copper, per ton	1	4
Coprolites, per ton	2	0
Corks, per barrel bulk	0	3
Corn:—		
Wheat and malt, per quarter	0	3
Barley, oats, rye, beans, pease, tares, buckwheat, and Indian corn, per quarter	0	2
Crystal, per barrel bulk	0	2
Dissolved bones and other artificial manures, per ton	2	0
Dogs (sporting only), each	0	2
Drugs, per barrel bulk	0	4
Earthenware, per crate	0	8
Eggs, per barrel bulk	0	2
Fish:—		
Dried and salted, per ton	2	6
Haddocks, cod, salmon, and all fresh fish not enumerated, per barrel bulk	0	2
Flax, per ton	2	6
Flour, per sack	0	3
Ditto, per barrel	0	1½
Glass, per barrel bulk	0	3
Groceries: Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like, per barrel bulk	0	3
Guano, per ton	0	8
Gunpowder, per barrel	0	3
Hardware, per barrel bulk	0	3
Hares and rabbits, per dozen	0	2
Any less quantity	0	1
Hay, per ton	1	0
Hemp, per ton	2	6
Herrings:—		
Fresh, per cran	0	1
Cured, per barrel	0	3
Hides:—		
Ox, cow, or horse, salted or dried, per ton	3	4
Calf skins, per 120	0	10
Sheep skins, per 120	0	10
Lamb skins, per 120	0	5
Hoops of wood, per 100	0	1
Hops, per barrel bulk	0	3

Irvine.

	s.	d.
Household furniture (new), per barrel bulk	0	3
Ditto, belonging to parties changing their residence only, per 10 barrels bulk	0	6
Husbandry utensils, per ton	1	4
Ditto, per barrel bulk	0	3
Iron:—		
Bar, bolt, and rod, per ton	1	4
Pig, or old, per ton	0	8
Pots and all hollow cast-iron goods, per ton	1	4
Ditto, commonly called ironmongery, per ton	1	4
Kelp, per ton	1	0
Lead: All kinds, per ton	1	4
Leather: Tanned and dressed, per ton	1	8
Lime, per chaldron of 16 bolls	1	6
Limestone, per ton	0	3
Loam or moulding sand, per ton	0	3
Machinery, per ton	1	4
Ditto, per barrel bulk	0	3
Manure: Street, per ton	0	2
Marl, per ton	0	8
Meal, per 140 lbs.	0	2
Musical instruments, per barrel bulk	0	3
Oils, per tun	1	0
Ores: Copper, iron, lead, and others, per ton	1	0
Passengers luggage:—		
Not exceeding one barrel bulk, free.		
All above one barrel bulk, per barrel bulk	0	3
Peats, per ton	0	3
Pitch, per barrel	0	3
Porter, per hogshead	0	4
Ditto, bottled, per barrel bulk	0	2
Potatoes, per ton	1	0
Poultry, including pigeons, game, &c., per dozen	0	1
Any less quantity	0	0½
Rags:—		
Linen, per ton	1	8
Other rags, old rope, and the like, per ton	0	10
Rape, cotton, or linseed cakes, per ton	2	0
Salt, per ton	0	10
Seeds:—		
Clover, per barrel bulk	0	3
Flax and rape, per barrel bulk	0	3
Flax in bulk, per barrel bulk	0	3
Garden seeds, per barrel bulk	0	3
Hemp and canary, per barrel bulk	0	3
Rye grass, per 8 bushels	0	3
Skins: Seal, per 120	0	8
Slates:—		
Under size, per 1,000	0	8
Sizeable, per 1,000	1	0
Over size, per 1,000	1	6
Soda, per barrel bulk	0	3
Spirits:—		
Foreign or British, imported, per gallon	0	1
Ditto, exported, per gallon	0	0½
Stones:—		
Rubble, per ton of 16 cubic feet	0	2
Hewn ashlar freestone, per ton of 16 cubic feet	0	4
Rough ashlar freestone, per ton of 16 cubic feet	0	3

Irvine.

	s.	d.
Stones:—		
Pavement, not exceeding 3 inches thick, per 70 feet superficial	0	4
Ditto, above three inches thick, per 16 cubic feet	0	4
Scythe stones, per score	0	2
Mill stones, each	2	6
Burr stones, per ton	5	0
Steel, per ton	2	0
Sugar, per ton	2	0
Tallow, per ton	2	0
Tar, per barrel	0	3
Tea, per chest	0	4
Tiles, roofing, per 1,000	0	9
Tiles or pipes for draining, per 1,000	0	8
Tin of all kinds, per ton	2	0
Tobacco, per ton	2	6
Treenails, under 2 feet in length, per 1,000	1	6
Ditto, exceeding 2 feet in length, per 1,000	2	6
Turnips, per ton	1	0
Turpentine, per hogshead	0	8
Vegetables, per cart load	0	2
Vinegar, per hogshead	0	6
Vitriol, per carboy	0	3
Whalebone, per ton	2	6
Whitening, per ton	1	0
Wine, per hogshead	1	6
Ditto, bottled, per barrel bulk	0	6
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	0	10
Oak or wainscot, per load of 50 feet	1	0
Firewood, per fathom of 216 cubic feet	1	6
Laths or lathwood, per fathom of 216 cubic feet	1	6
Handspokes, per 120	3	0
Oars, per 120	5	0
Spars, under 22 feet in length, and above 2½ and under 4 inches in diameter, per 120	4	0
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	6	6
Spars, of all lengths, above 4 and under 6 inches in diameter, per 120	12	0
Barrel staves, per 120	3	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto, exceeding 2 feet in length, per 120	2	6
Wedges, per 1,000	2	0
Pipe staves, per 120	1	2
Hogshead staves, per 120	1	0
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	1	4
Coalpit props, common, per dozen	0	1½
Ditto, crowns, per dozen	0	2
Wool, per cwt.	0	6
Yarn, per ton	1	4
Zinc, per ton	1	4
All other goods not particularly enumerated in the above table.		
Light goods, per barrel bulk	0	2
Heavy goods, per ton	1	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and

Irvine.

quantities than those above specified, a proportion of the respective rates to be charged.

Five cubic feet, not exceeding two and a half hundred weight, to be rated as a barrel bulk, but when the weight of five cubic feet is greater than two and a half hundred weight, then two and a half hundred weight to be rated as a barrel bulk.

III.—RATES FOR THE USE OF CRANES, HURRIES, WEIGHING MACHINES, AND SHEDS.

1*st*, *Cranes.*

	s.	*d.*
All goods or packages not exceeding one ton	*0*	*3*
Exceeding one ton and not exceeding two tons	*0*	*4*
Exceeding two tons and not exceeding three tons	*0*	*6*
Exceeding three tons and not exceeding four tons	*0*	*8*
Exceeding four tons and not exceeding five tons	*0*	*10*
Exceeding five tons and not exceeding six tons	*1*	*0*
Exceeding six tons and not exceeding seven tons	*1*	*2*
Exceeding seven tons and not exceeding eight tons	*1*	*4*
Exceeding eight tons and not exceeding nine tons	*1*	*8*
Exceeding nine tons and not exceeding ten tons	*2*	*0*
Exceeding ten tons	*3*	*0*

2*nd*, *Hurries.*

All goods, per ton	*0*	*2*

3*rd*, *Weighing Machines.*

For goods weighed, one penny for each ton or part of a ton.

4*th*, *Shed Dues.*

For each ton of goods of eight barrels bulk, or for each ton of goods of twenty hundred weight, which shall remain in the sheds or on the quays of the harbour for a longer time than forty-eight hours, the sum of threepence; and the sum of one penny halfpenny per ton for each day during which such goods shall remain after the first forty-eight hours.

IV.—RATES FOR PILOTAGE.

For all vessels entering or leaving the harbour, per registered ton, twopence.

Pier and Harbour Orders Confirmation (No. 2).

A

BILL

For confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray and Irvine.

(Prepared and brought in by
Mr. Dodson, Mr. Stephen Cave, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,*
17 *May* 1867.

[Bill 162.]

Under 3 oz.

LORDS AMENDMENTS

TO THE

PIER AND HARBOUR ORDERS CONFIRMATION (No. 2.) BILL.

Note.—*The Page and Line refer to the Bill* (115.) *as printed by the Lords.*

Page 1.

Line 5. Leave out from (“whereas”) to (“be”) in Line 7,
and insert (“the Board of Trade have made certain Provi-
“ sional Orders relating to a Pier at Bray and to the Harbour
“ of Irvine: And whereas the Bray Order has been amended by
“ Parliament, and that Order as so amended and the Irvine Order
“ as made by the Board of Trade are set out in the Schedule to
“ this Act: And whereas it is expedient that the said Orders”)

Line 12. Leave out (“several”)

Page 3.

Line 29. Leave out (“Goods and Merchandise and other Pur-
“ poses”) and insert (“In constructing the Works authorized by
“ this Order, the Company may deviate from the Lines thereof laid
“ down on the deposited Plans to any Extent within the Limits of
“ Deviation shown on those Plans, but not so as to authorize the
“ Construction of the Pier and Works beyond the Limits of the
“ Esplanade as at present demised to the Bray Township Com-
“ missioners”)

Line 36. Leave out (“Goods”)

Line 38. After (“specified”) insert (“provided that Vessels or
“ Boats shall not ship or unship at the Pier any Matters or Things
“ other than those described in Sections One, Three, and Four of
“ the said Schedule”

Page 4.

Line 3. After (“from”) insert (“the”)

Line 25. Leave out (“Steam Engines”)

Leave out Paragraph 19.

Page 5.

Line 5. After (“repealed”) insert (“Provided always, that the
“ Repeal of the said Orders shall be held to deprive and take away
“ from the Bray Pier and Harbour Company all Powers, Rights,

" Privileges, and Authorities of every Description conferred upon " or vested in or reserved to the said Company, whether by the said " Orders or by any Local or other Act of Parliament "), and also insert (" This Order shall not operate to take away or abridge such " Right, Title, or Interest (if any) as the Right Honourable " William Earl of Meath, his Heirs or Assigns, may have in, to, " or over the Foreshore within the Limits affected by this Order: " Provided always, that nothing herein contained shall be held to " recognise or confirm any Right, Title, or Claim of the said Earl " of Meath to the Foreshore aforesaid, it being the Intention of this " Order that the Right and Title to such Foreshore shall remain in " the same State as if this Order had not been made ")

Line 12. Before (" This ") insert (" Except as herein-before " expressly provided ")

Pages 5 to 8 of Schedule to the Bray Order:

Leave out Sections II. and III.

LORDS AMENDMENTS

TO THE

PIER AND HARBOUR ORDERS CONFIRMATION (No. 2.) BILL.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1867.

[Bill 275.]

Under 1 *oz.*

A

BILL

FOR

Confirming a Provisional Order made by the Board of Trade relating to the Construction of a Pier at Cleethorpes in the County of Lincoln.

WHEREAS a Provisional Order made by the Board of Trade under the "General Pier and Harbour Act, 1861," is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: Preamble.

And whereas by the Thirteenth Section of "The General Pier "and Harbour Act, 1861," it is enacted that nothing in that Act contained shall extend or be applicable to (among other Places) the River Humber, within the Limits defined by "The River Humber "Conservancy Act, 1852:"

And whereas the Place to which the Provisional Order set out in the Schedule to this Act relates is within such Limits, and the said Order has been applied for and made by Inadvertence:

And whereas all the Notices, Advertisements, and Deposits requisite in those Cases where Provisional Orders can be made under "The General Pier and Harbour Act, 1861," have been duly given, published, and made in the Case of the Provisional Order set out in the Schedule to this Act, and no Objections thereto have been received by the Board of Trade from any Person or Persons, nor any Opposition made thereto:

And whereas the Conservators of the River Humber have signified in Writing to the Board of Trade their full Assent to the said Order:

And whereas Delay and Expense will be occasioned if the said Provisional Order be not sanctioned and confirmed by Act of Parliament; and it is expedient that the same be so sanctioned and confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Confirmation of Order in Schedule.

1. Notwithstanding anything contained in the Thirteenth Section of "The General Pier and Harbour Act, 1861," the Order set out in the Schedule to this Act shall be and the same is hereby confirmed, and all the Provisions thereof, in Manner and Form as they are set out in the said Schedule, shall from and after the passing of this Act have full Validity and Force.

Saving Rights of Humber Conservancy Commissioners.

2. Save as herein appears, this Act shall not extend to take away, diminish, alter, prejudice, or affect any Rights, Powers, or Privileges for the Time being vested in the Commissioners for the Conservancy of the River Humber.

Short Title.

3. This Act may be cited as "The Pier and Harbour Orders Confirmation Act, 1867, (No. 3)."

SCHE-

SCHEDULE.

CLEETHORPES.

Cleethorpes.

Order for the Construction, Maintenance, and Regulation of a Pier at Cleethorpes in the County of Lincoln.

Incorporation of company.

1. The following persons, namely, Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company, for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cleethorpes Promenade Pier Company," and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions, of this Order.

Undertakers.

2. The Cleethorpes Promenade Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," except so much as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Act Amendment Act, 1860," shall respectively be incorporated with this Order.

Capital.

4. The capital of the Company shall be ten thousand pounds, in one thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one fifth part of the amount of such share, has been paid in respect thereof.

Calls.

6. No call shall exceed two pounds a share, or be made payable within three months of a previous call.

Power to create Preference Shares.

7. The Company, with the sanction of at least three fifths in value of the votes of the shareholders present, in person or by proxy, at a general meeting, specially convened for that purpose, may attach to all, or any, of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company, from time to time, may borrow on mortgage, at interest, any sum or sums of money, not exceeding in the whole three thousand three hundred and thirty-three pounds; but no money shall be so borrowed until the whole of the capital of ten thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the justice, who certifies under Section 40 of "The Companies Clauses Consolidation Act, 1845," before he so

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certifies, that the whole of the capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof, legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest or dividend on calls.

10. The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the Company paying to any shareholder interest on any money advanced by him beyond the amount of calls actually made in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11. The Company shall not, out of any money so raised, pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first General Meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the Directors determine.

Number of Directors.

14. The number of Directors shall not be more than nine nor less than five.

Quorum of Directors.

15. The quorum of a meeting of Directors shall be three.

First Directors.

16. Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, with such other shareholders (if any) as they add to their number, shall be the first Directors; and the first Directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and Directors shall be elected by the meeting, the retiring Directors being eligible for re-election.

Qualification.

17. The qualification of a Director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the Directors shall, from time to time, be fixed by a general meeting, and shall be divided among the Directors, as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order, as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

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Lands for extraordinary purposes.

20. The Company may purchase and hold, for extraordinary purposes, any land not exceeding in the whole three acres.

Power to make works.

21. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order: provided that the pier and works hereby authorized shall not extend seawards more than one thousand five hundred feet without the consent of the Humber Conservancy Commissioners.

Description of works authorized.

22. The works authorized by this Order comprise the following:

A Pier, Jetty, and Landing-place, with all proper works, approaches, and other conveniences for the embarking and landing of passengers, fish, goods, and merchandise, and other purposes, in the township of Cleethorpes, in the parish of Clee, in the county of Lincoln, commencing at a point upon the edge of the cliff adjoining the recreation ground belonging to the overseers and churchwardens of the parish of Clee, and opposite to the eastern end of a footway leading from the said recreation ground to Albert Street, and extending thence seawards in a north-easterly direction one thousand two hundred feet or thereabouts, the landward portion of which pier, jetty, landing-place, works, and approaches will be wholly situate in or abut upon the township of Cleethorpes aforesaid.

Power to take rates in Schedule.

23. The Company may, for the use of the pier and works, demand and take, in respect of the vessels, persons, fish, animals, and goods in the schedule to this Order specified, any sums not exceeding the rates in that schedule specified.

Certain fishing vessels, under stress of weather exempt from rates.

24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Pass tickets for use of pier.

25. The Company may grant to passengers, promenaders, and other persons pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon. Such pass tickets shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall, for every such offence, be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

Exemption of Custom House Officers from rates.

26. Officers of Customs, being in the execution of their duty, shall at all times have free egress, passage and ingress on, to, and over the pier and works, by land and with their vessels, without payment.

Steam engines, diving bell lighters.

27. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences, as they think proper, for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

28. The Company shall have the appointment of meters and weighers on, or in connexion with, the pier.

29. The Company shall at the outer extremity of the pier and works hereby authorized exhibit from sunset to sunrise a light to be approved of by the Brethren of the Hull Trinity House.

Restriction on use of pier.

30. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship, at the pier or jetty authorized by this Order, any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

Saving rights under Crown Lands Act, 1866.

31. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short Title.

32. This Order may be cited as "The Cleethorpes Promenade Pier Order, 1867."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - -	*0*	*4*
For every vessel of the burden of 15 tons and under 50 tons, per ton -	*0*	*6*
For every vessel of the burden of 50 tons and under 100 tons, per ton	*0*	*8*
For every vessel of the burden of 100 tons and under 150 tons, per ton	*0*	*10*
For every vessel of the burden of 150 tons and upwards, per ton -	*1*	*0*
All lighters for each trip, per ton - - - - -	*0*	*2*
All boats entirely open, landing or taking on board goods each -	*0*	*6*

II.—Rates of Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead - - - - -	*0*	*6*
Ale (bottled), per barrel - - - - - -	*0*	*4*
Ditto, per dozen bottles - - - - - -	*0*	*1*
Anchors, per cwt. - - - - - - -	*0*	*9*
Anchor stock, per foot run - - - - - -	*0*	*2*
Bark, per ton - - - - - - - -	*2*	*0*
Bedding, per bundle - - - - - -	*0*	*3*
Beef or pork, per cwt. - - - - - - -	*0*	*3*

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	s.	d.
Beef or Pork, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon Other casks in proportion.	0	3
Cattle:		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages:		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand-carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes) per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto per box	0	6
Grains and seeds, per quarter	0	6
Groceries (not enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0

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	s.	d.
Herrings (fresh), per 1,000	0	3
Ditto (cured), per barrel	0	3
Hides:		
Ox, cow, or horse (wet or dry), each	0	2
Iron:—		
Bar, bolt, rod and shots, per ton	1	6
Pig and old, per ton	1	0
Manufactured, per ton	2	6
Pots, each	0	1
Kelp, per ton	2	0
Lead, per ton	2	6
Leather, tanned and dressed, per cwt.	0	3
Lime, per 28 bushels	1	4
Limestone, per ton	1	0
Machinery, per ton	2	6
Manure (not enumerated), per ton	1	0
Masts and spars, 10 inches in diameter and upwards, each	4	6
Ditto, under 10 inches	3	0
Meat (fresh), per cwt.	0	6
Milk, per gallon	0	0½
Musical instruments, per cube foot	0	1
Nets, per 5 cubic feet	0	4
Oakum, per cwt.	0	2
Oils, per tun	2	0
Oilcake, per ton	2	0
Oranges and lemons, per box	0	6
Ores, per ton	1	0
Oysters, per bushel	0	3
Paint, per cwt.	0	4
Pitch and tar, per barrel	0	6
Potatoes, per cwt.	0	2
Poultry and game, per dozen	0	4
Rags and old rope, per ton	2	0
Sails, per cwt.	0	6
Salt, per cwt.	0	1
Sand, per ton	1	0
Shrimp baskets, each	0	2
Skins:—		
Calf, goat, sheep, lamb, or dog, per dozen	0	6
Slates, per ton of 24 cubic feet	2	0
Spirits (Foreign and British), per hogshead	1	0
Ditto, ditto, per gallon	0	1
Stones, per ton of 16 cubic feet	1	6
Steel, per ton	3	0
Sugar, per cwt.	0	3
Tallow, soap and candles, per cwt.	0	3
Tea, per chest	1	0
Tiles, per 1,000	1	6
Tin and zinc, per ton	3	0
Tobacco, per cwt.	0	6
Turbot, per score	0	3
Turnips, per ton	0	6
Turpentine and varnish, per barrel	0	6
Turtle, each	2	6
Vegetables (not enumerated), per cwt.	0	4
Vinegar, per hogshead	0	6
Vitriol, per carboy	1	0
Water, per cask	0	3

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	s.	d.
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:—		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto 2½ inches in diameter and under, per 120	4	0
Ditto 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto exceeding 2 feet in length, per 120	3	0
Trenails, per thousand	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	s.	d.
Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures and quantities than those above specified, a portion of the respective rates shall be charged.

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1st. *Rates of Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	4
Exceeding 1 ton and not exceeding 2 tons	0	6
„ 2 tons „ 3 tons	0	8
„ 3 tons „ 4 tons	0	10
„ 4 tons „ 5 tons	1	0
„ 5 tons „ 6 tons	1	2
„ 6 tons „ 7 tons	1	4
„ 7 tons „ 8 tons	1	6
„ 8 tons „ 9 tons	1	10
„ 9 tons „ 10 tons	2	4
„ 10 tons	3	6

2nd. *Weighing Machines.*

	s.	d.
For goods weighed, for each ton or part of a ton	0	2

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3rd. Shed Dues.

	s	*d.*
For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day, or part of a day, per package	*0*	*2*

IV.—Rates for supplying Water on Pier.

Water, per 1,000 gallons	*10*	*0*

V.—Rates on Passengers and Promenaders using the Pier.

For every passenger or other person who shall land on the pier from or embark from it on board of, any ship, vessel, packet or passage boat, for each time any sum not exceeding	*0*	*6*
For every person who shall use the pier for the purpose of walking for exercise, pleasure or any other purpose, except for embarking or disembarking, for each time any time any sum not exceeding	*0*	*4*
For every bath or sedan chair taken on the pier, for each time not exceeding	*0*	*6*
For every perambulator taken on the pier, for each time any sum not exceeding	*0*	*2*
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Clee, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	*20*	*0*

VI.—Rates on Passengers' Luggage.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, not exceeding 28 lbs.	*0*	*2*
Over 28 lbs. and not exceeding 84 lbs.	*0*	*4*
Over 84 lbs. and not exceeding 112 lbs.	*0*	*5*
Over 112 lbs. and not exceeding 140 lbs.	*0*	*6*
Over 140 lbs. and not exceeding 196 lbs.	*0*	*7*
Over 196 lbs. and not exceeding 2 cwt.	*0*	*8*
And for every cwt. beyond	*0*	*4*
And for every 20 lbs. weight in addition	*0*	*1*

Pier and Harbour Order Confirmation (No. 3.)

A

B I L L

For confirming a Provisional Order made by the Board of Trade relating to the Construction of a Pier at Cleethorpes, in the County of Lincoln.

(*Prepared and brought in by*
Mr. Dodson, Mr. Stephen Cave, and Mr. Hunt.)

Ordered, by The House of Commons, *to be Printed,*
6 *June* 1867.

[Bill 192.]

Under 2 oz.